

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH
OA/TA/RA/CP/MA/PT 399190 of 20.....

Kom. Aparna Gaur.....Applicant(S)

Versus

U.O.G.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

.....
Signature of S.O......
Signature of Deal. Hand

P.C. file sealed and destroy

.....
15/6/2012.....
16/6/2012

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Date of filing of application
Date of receipt of application
Deputy Registrar
you
10/12

Registration No. 399 of 1989 (C)

APPLICANT(s) Km. Aparna Chaw

RESPONDENT(s) Union of India

Particulars to be examined application Endorsement to result of examination

1. Is the appeal competent ? yes
2. a) Is the application in the prescribed form ? yes
b) Is the application in paper book form ? yes
c) Have six complete sets of the application been filed ? yes
3. a) Is the appeal in time ? yes
b) If not, by how many days it is beyond time? no
c) Has sufficient cause for not making the application in time, been filed? no
4. Has the document of authorisation/ Vakalatnama been filed ? yes
5. Is the application accompanied by B.O./ Postal Order for Rs.50/- yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed? yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? yes
c) Are the documents referred to in (a) above neatly typed in double space ? yes
8. Has the index of documents been filed and paging done properly ? yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? no

Particulars to be ExaminedEndorsement to result of examination

1. Are the application/duplicate copy/pane copies signed ? *yes*

2. Are extra copies of the application with annexures filed ? *yes*

3. Are identical with the Original ? *yes*

4. Are defective ? *no*

5. Are annexures *yes*

6. Are 10 pages Nos 1 to 10 ? *yes*

7. Are the file size envelopes containing full address of the respondents been filed ? *yes*

8. Are the given address the registered address ? *N.A.*

9. Are the names of the parties stated in the copies tally with those indicated in the application ? *yes*

10. Are the certifications certified to be true or supported by an affidavit affirming that they are true ? *yes*

11. Are the facts of the case mentioned in item no. 6 of the application ? *N.A.*

12. Are *10* points ? *Item No 4*

13. Are distinct heads ? *yes*

14. Are numbered consecutively *yes*

15. Are typed in double space on one side of the paper ? *yes*

16. Are the particulars for interim order prayed for indicated with questions ? *yes*

17. Whether all the remedies have been exhausted. *yes*

Answered10.12.90D.RPut up before the Hon. Bench,Encl 14/11/90 for orders7/12/90yes210/12

(23)

314/80(1)

14/12/90

Hon. Mr. Justice K. Nethi UC
Hon. Mr. K. Obayya AM

On the request of counsel
for applicant case is adjourned
to 18/1/91 for admission.

2
Ans.

Q
v/c

10/1/91 No Sittings adj. to 12.2.91

2

12.2.91 No Sittings Adj. to 4.3.91

2

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

OF 19

VS.

Sl.No.	Date	Office Report	Orders
	04/3/91		Hon'ble M E .Justice U.C.Srivastava, V.C Hon'ble Mr. A.B.Gorthi, A.M.
			1 Heard the learned counsel for the applicant.
			Admit.
			Issue notice to respondents to file a counter affidavit within four weeks to which the applicant may file rejoinder within two weeks thereafter. List before the D.R.(J) on 22/4/91 for final hearing if possible.
			As regards interim prayer, the same cannot be granted at this stage and rejected.
		<i>On notice passed 7/3/91</i>	A.M. V.C.
2	4/4/91	Respondent Ld. Counsel in present. He filed his written objection. Res up	22/4/91
3	1/5/91		
4	25/4/91		

16.3.92.

Hon'ble Mr. Justice U.C.Srivastava- V.C.

Sri B.K.Shukla learned counsel for the respondent states that he has not been received the copy of the application. Let the same be given within three days. He may file the document in reply within three weeks from the date of issuing of the copy of this application. Counsel for the applicant made a request to putup this case with ~~existing~~ C.A. no. 399/90 as the facts are same. Let both the cases ~~may~~ be fixed together on 20.5.92

(DPS)

for hearing.


V.C.

SR
RA friend
29.4.92
SAC

20.5.92

Ex a/c reached adj'd

9-7-92

l
BAC

(15)

(R)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

(1) O.A. No. 253/90

Pyare Lal Gaur and another

Applicants.

versus

Union of India & others

Respondents.

(2) O.A. No. 399/90(L)

Am. Aparna Gaur

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

As the above two applications have been filed together and have common questions of law are involved, the same are being disposed of with a common judgment. Shri Pyare Lal Gaur in view of the technical defect in the case of daughter of the applicant filed a separate application, may be separate relief alongwith one relief which was been claimed by earlier applicant. The applicant Shri Pyare Lal Gaur who was appointed in the year 1950 and his date of superannuation was 31.7.87 and at the relevant point he was, while on duty, met with an accident on 1.11.86 as some miscreants caused injury on the head of the applicant by throwing stone.

Railway
He was treated in the hospital, but injury caused adverse effect on brain and nerves and he was given medical certificate.

2. He was medically decategorised from A-2 to C-2. According to the applicant it was open for him either to accept alternative employment equal in post or to accept retirement and there was no possibility of suitable alternative employment and that is why he chose to accept the retirement and his application dated 15.5.87 was not acted upon and the applicant was retired on 31.7.87. From the file appears that 10 days prior to his retirement the applicant was called to appear before the Standing Committee for alternative employment. If the applicant would have appeared before the committee and the committee taken a decision the applicant could not have been retired. The so called notice recalling the applicant for appearing before the Standing Committee is nothing but a shell offer which was never materialised. The applicant also accepted the retirement before that date as due intimation was given and such type of offer was not to be given and the applicant's decision was already conveyed. The applicant applied for compassionate appointment of his daughter which was not granted and that is why he approached the Tribunal with the prayer that he should be deemed to have retired on 15.5.87 on account of medical decategorisation and incapacitation in accident on duty and payment of arrears of pension with effect from 15.5.87 to 31.7.87 may be paid and prayer regarding compassionate appointment of his daughter be granted (though the application has been filed

(P8)

separately. The applicant finding that he is unable to work after head injury ~~which is~~ to retire from service only two months before attaining the age of superannuation stating that in accordance with rules compassionate appointment may be given to his daughter and the Railway Administration, when he was at the verge of retirement asking to appear before Standing Committee but no alternative appointment was not given appointment. One must appear before the committee was a condition precedent. Such public bodies are not supposed to give shell offers and offer must have been given when he was not allowed to retire. There was no sense in giving offer whatsoever. There was rather no offer and no offer should have been given to him. The question arises as to whether the compassionate appointment could be given to the applicant's daughter or not. The decision of the Railway Board in this behalf, placed by the respondents on record, reads as under:

"When Railway employees become crippled while in service or develop certain ailments like heart disease, cancer etc or medically declassified for the job, they are holding and no alternative job of the same emoluments can be offered to them"

According to the applicant, as he was medically declassified and no alternative job of the same emoluments could have been offered to him. The fact which

(P)

was mentioned in application when he sought retirement the Railway Administration was obliged to give ~~him~~ ^{the} job to the daughter of the applicant. On behalf of the respondents it has been contended that the compassionate ^{appointment} is given to the persons who become crippled while in service or develop certain ailments like heart disease and cancer etc. and on the discretion of the authority concerned. He was asked to appear before the standing committee which he did not attend. The respondents should have considered the prayer of the applicant for compassionate appointment. So far as salary for three months is concerned we find that this period was treated ^{and} as leave/inaccordance with rules the applicant is not entitled to any salary.

In view of what has been stated above the Application No. 253/90 'Pyarey Lal Gaur vs. Union of India' is dismissed and the respondents are directed to trace the possibility of ~~case~~ of appointment of ~~the~~ ^{1.} daughter of the applicant.

With the above directions both the applications are disposed of. No order as to costs.

Ansari
A.M.

Ansari
V.C.

Shakeel/

Lucknow: Dated: 26.5.92.

1st copy for Emoluments

110

Application under section 19 of the Administrative Tribunal
Act 1985.

Applicant
Km. Aparna Gaur ..
versus .. Applicant
Union of India & others. .. Respondent

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2.	Annexure A-1. Impugned Letter dated 29-11-1988.	10 - 0
3.	Application u/s 5 of Limitation Act for condoning delay in filing Original Application.	11 - 0
4.	affidavit in support of application u/s 5 of the Limitation Act.	12 - 14

Compilation No. 2

5.	Annexure A-2 - Inquiry report dated 5-1-1987.	15 - 16
6.	Annexure A-3 - Medical Certificate dated 3-3-1987.	17 - 0
7.	Annexure A-4 - Medical Report dated 11-5-1987.	18 - 0
8.	Annexure A-5 - Application dated 15-5-1987.	19 - 0
9.	Annexure A-6 - Application dated 30-7-1987.	20 - 21
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11.	Annexure A-8 - Letter dated March 86.	25 - 26
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Dated: 7 - 12 - 1990

Aparna Gaur
Applicant

Date of Filing:
Registration No.

For Registrar

Seal
APARNA GAUR

(1)
AII

1. Km. Aparna Gaur aged 22 years D/o Sri Pyare Lal Gaur, Guard 'I', N.E. Railway, Lucknow, R/o No 28, Ravindra Palli, Faizabad Road, Lucknow.

---- Applicant
versus

1. Union of India through General Manager (P), North Eastern Railway, Gorakhpur.

2. Divisional Railway Manager (P), N.E. Railway, Ishok Marg, Lucknow.

3. Pyare Lal Gaur S/o Sri Gur Prasad Gaur R/o 28, Ravindra Palli, Faizabad Road, Lucknow.

4. Km. Archana, aged 20 years D/o Sri Pyare Lal Gaur, 28 Ravindra Palli, Faizabad Road, Lucknow.

---- Respondents

Details of Application.

1. Particulars of orders against which application is made.

(1) Divisional Railway Manager (P), N.E. Railway, Lucknow letter No. 6/1/227/Compassionate/Class III/237 dated 29-11-1988 regarding Appointment on Compassionate Ground - Annexure A-1.

2. Jurisdiction of Tribunal.

The applicant declares that the subject matter of the orders against which she wants redressal is within the jurisdiction of Tribunal.

3. Limitation.

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act 1985 on consideration of application for condoning the delay U/S 5 of The Limitation Act.

Contd. . . . (2)

Aparna Gaur

(A1)
10/12/90 (2)

4. Facts of the case.

(i) That the applicant is a daughter of Respondent No. 3 who was appointed on railway on 8th December 1950. His date of superannuation under 58 years age fell on 31st July 1987. At the time of his retirement, the father of the applicant was working on the post of Guard 'A' with Head Quarter at Lucknow Jn. Station over N.E. Railway. The Respondent No. 4 is her own younger sister of the applicant.

(ii) That the Railway servants are medically classified in seven Medical Categories viz. A-1, A-2, A-3, B-1, B-2, C-1 & C-2. The Category of A-1 is highest and C-2 is of lowest. The middle ones are lower one after another. The father of the applicant was in A-2 Medical Category. In this Category the Railway servants on attaining age of 45 years are medically examined once in each year regularly. Special Medical Examinations are conducted at any time when physical disability occur in the Railway servants.

*Filed Today
S.Y.W.
10/12*

(iii) That a statutory provision exists for appointments of son/daughter/wife of Railway servants who retire from Railway service before attaining the age of superannuation at 58 years of age on account of physical disabilities. Such appointments are called "Appointment on Compassionate Ground." Annexure A-8 is true copy of letter dated March 86 regulating the said appointments.

Contd. . . . (3)

Aparna Gaur

(iv) That the father of the applicant met an accident on duty on 1-11-1986, while he was working as Guard of 210 DM Passenger carrying train between Kanpur - Anwarganj and Lucknow stations. Some miscreants, by throwing stones, caused injuries on the head of the father of the applicant at Yarauni Station which made him unconscious. The F.I.R. was lodged in G.R.P./Lucknow where a Crime No. 828/86 was registered for the occurrence and an accident enquiry was conducted by Traffic Inspector, N.E. Railway, Badshahnagar.

(v) That the Traffic Inspector, N.E. Railway, Badshahnagar submitted his report of accident enquiry on 5-1-87 to D.R.M.(Safety)/LJN. Annexure A-2 is true copy of the said report.

(vi) That on the memo of Station Supdt., N.E. Railway Lucknow on 1-11-1986, the injuries of the father of the applicant was treated in the Railway Hospital as "Hart on Duty". He underwent treatment in Railway Hospital from 1-11-86 to 2-3-1987 and a fit certificate was issued on 3-3-1987. Annexure A-3 is true copy of fit certificate.

(vii) That although the father of the applicant was granted fit medical certificate contained in Annexure A-3, he was physically disabled to perform the duty of Guard 'A'. So he was sent for Special Medical Examination on 11-3-87. After undergoing various medical test and observation, the father of the applicant was medically decategorised from A-2 to C-2 medical category on 11-5-1987. Annexure A-4 is true copy of medical decategorisation.

Contd.(4)

Aparna Gaur

(viii) That the father of the applicant had no leave at his credit and did not expect suitable alternative job in Medical Category C-2. So he sought for Invalid retirement on 15-5-1987. Annexure A-5 is true copy of the said request.

(ix) That no formal order was passed for his Invalid Retirement from 15-5-1987 and he was retired on 31st July 1987 at his age of superannuation. He was given no work and no pay during the period from 15-5-87 to 31-7-1987. ~~He was offered one alternative employment on equal pay after his medical declassification.~~

(x) That on account of medical declassification and Invalid Retirement of the father of the applicant on 15-5-87, was given no suitable employment in Medical category C-2, and no pay to him during the period from 15-5-87 to 31-7-87. He was entitled for retirement benefits from 15-5-87 and appointment of his son/daughter/wife compassionate ground under the rules.

(xi) That the applicant has no brother and his mother was sick and died. Considering the liabilities of his old age care and his other social responsibility of his younger daughter, the Respondent No. 3, the father of the applicant sponsored the applicant for her appointment on compassionate ground on 30-7-1987 to the Divisional Railway Manager, N.E. Railway, Lucknow. But no consideration was given to his request. Annexure A-6 is true copy of the aforesaid request.

(xii) That when no consideration was made on the

request of the father of the applicant contained in Annexure A-6, the applicant herself moved on 13-10-1987 to the General Manager, R.F. Rly. Gorakhpur for her appointment on compassionate ground. In reply the applicant received the impugned letter dated 29-11-1988 contained in Annexure A-1 stating therein that "the appointment of the applicant on compassionate grounds is not feasible." The said letter does not disclose the reason for non-feasibility of the appointment of the applicant on compassionate grounds.

(xiii) That the reason for denial of appointment of the applicant on compassionate ground is not disclosed. But the known reasons for the same is non-issue of formal letter of Invalid retirement of the father of the applicant on 15-5-1987 for which the applicant or his father is not in any way responsible. They should not be allowed to suffer on this account.

(xiv) That the applicant herself made an appeal on 11-2-1989 before the Railway Minister, New Delhi for her appointment on compassionate ground. But no consideration on aforesaid appeal has been made as yet. Annexure A-7 is true copy of aforesaid appeal.

(xv) That on the basis of her following educational qualification, the applicant is entitled for her appointment on Class III post and on obtaining degree of Graduation she is entitled for her appointment against Graduate Quota in Class III posts.

Contd. (6)

Aparna Gaur

(i) Passed High School Examination in 1st. Division in the year 1985.

(ii) Passed Intermediate Examination in 2nd division in the year 1987.

(iii) Passed B. A. Pt. III Final Examination in third Division in the year 1990.

(iv) Date of Birth - 26th December 1968.

(xvi) That the father of the applicant filed one original application No. 253 of 90(E) in re Pyare Lal Gaur vs Union of India on 8-6-1990 for declaration of his Invalid retirement on 15-5-1987 and appointment of the applicant against Class III post. The applicant joined the aforesaid application as Applicant No. 2. The said application came for admission on 9-11-1990. The application admission was admitted with direction that separate application be filed for appointment of the applicant on compassionate ground.

(xvii) That on summing up the facts mentioned in aforesaid sub paras of Para 4 of the application, the applicant is entitled for her appointment on compassionate ground against Class III post. Further on obtaining degree of Graduation her appointment may be considered on higher grades in Group (C) against Graduate Quota.

5. Ground of Relief with legal provision.

That on the basis of facts mentioned in Para 4 of the application, the applicant is entitled for the relief on the following amongst other grounds:-

Aparna Gaur

Contd. (7)

(a) because the statutory provision for appointment of the applicant on compassionate ground is violated.

(b) because the impugned order dated 27-11-1988 contained in Annexure A-1 is violative of Article 14 and 16 of Constitution of India. As such it is unjust, illegal, void and liable to be set aside.

6. Details of remedies exhausted.

The applicant declares that he had availed of all the remedies available to him under the relevant service rules etc.

(i) Appeal dated 11-2-1989 to the Railway Minister New Delhi duplicating a copy to the General Manager, N.E. Railway, Gorakhpur.
- Annexure A-7.

7. Matter not previously filed or pending with any court.

The applicant further declares that he had not previously filed any application, Writ Petition or suit regarding the matter in respect of this application has been made before any court or any other Authority or any other bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. Relief(s) sought for -

In view of the facts mentioned in Para 6 above the applicant prays for the following relief(s) for :-

Aparna Gaur

Contd. (8)

(a) Declaring that the impugned order dated 29-11-1988 contained in Annexure A-1 is unjust, illegal, void and may be set aside and that the applicant is entitled for the appointment on compassionate Ground in Group 'C' post, and against Graduate Quota.

(b) Consequent on grant of relief, the respondent may be directed to make appointment of the applicant against Group ^(c) post on compassionate ground and against Graduate Quota.

(c) Any other relief deemed just and proper in the circumstances of the case.

(d) Cost of the application.

9. Interim order if any prayed for - Nothing.

10. Not applicable.

11. Particulars of Postal Order filed in respect of application fee :-

(a) No. of Indian Postal Order. 8 02 415994

(b) Date of issue of Postal Order. 10 12 1990

(c) Name of Issuing Post Office. ^{Hyd. Govt}
^{Ludhiana}

Contd. (9)

Aparna Gaur

12.

List of enclosures.

As per given details in the Index of
the application.

Aparna Gaur
Applicant

Dated: 7-12-1990

*Rachelyas
A. Gaur*

Verification

Aparna

I Km. Aparna Gaur D/o Sri Pyare Lal
Gaur retired Guard, N.S. Railway, Lucknow R/o
28, Ravindra Palli, Faizabad Road, Lucknow do
hereby verify that the contents of paras 1 to 5
are true to my personal knowledge and para 6 to
12 to be true on legal advice and that I have
not concealed any material facts.

Aparna Gaur
Applicant

Lucknow

Dated: 7-12-1990

जरुरी परं दोनों ओर लिखें
Use both sides of the paper.

पश्चिम रेल रोड
N. E. RAILWAY

Regd

1120
11-11-19

संख्या (No.) ११/२२७/भुकम्पा/तृष्णा। दिनांक (Date) २१-११-४४
प्रेषक (From) भैड़ल रेल प्रबन्धक होमिंग रोड
(कानूनी सूरत नं.)
विषय (Sub.:) अनुकम्पा के आधार पर
संदर्भ (Ref.) नियुक्ति के द्वारा प्राप्ति नाप्र
क्रमांक ११/२२७/२१२/तृष्णा।
लेरवनड़ा/पांच दिन २२-११-४४

कुमारपर्णा गोरु

पुत्री सर्व पी० इला. गोरु

रेलवन क्वार्टर नं. ६४/ए
सेशबाग, लेरवनड़ा

संदर्भ १ भैड़ल (का.) गोरुरवपुर का

पत्रांक ११/२२७/२१२/तृष्णा।
लेरवनड़ा/पांच दिन २२-११-४४

उपरोक्त निषय में स्वीचित किया जाता है कि उपरोक्त संदर्भित पत्र के अनुसार आपका अनुकम्पा के आधार पर नियुक्ति विचार कर पाना संभव नहीं है।

Recd on 24/11/49

क्षेत्रभैड़ल रेल प्रबन्धक
(का.) लेरवनड़ा

Aparna Gaur

True copy
अनुवाद
Signature

In the Central Administrative Tribunal, Lucknow.

Misc. Partition No. 726 of 1990 (4,
(w/s 5 of Registration Act)

In

Original application No. 399 of 1990. (L)

Application u/s 5 of the Limitation Act for condoning
delay in filing Original Application.

The applicant most humbly sheweth as under :-

1. That for the reasons mentioned in the accompanying affidavit it is reasonable and bonafide to condone the delay in filing the Original Application. The delay is unintentional and beyond the control of the applicant.

P R A Y E R

Wherefore it is prayed that the Hon'ble Tribunal may be pleased to condone the delay in filing the Original Application U/S 5 of the Limitation Act to secure the end of justice.

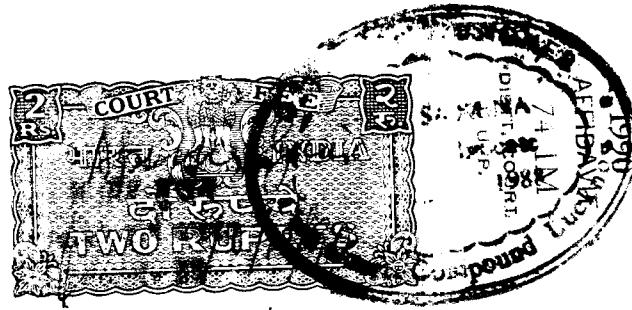
Inc 1: One affidavit.

Aparna Gaur

Dated: 7 -12-1990

Applicant

In the Central Administrative Tribunal, Lucknow. 122



Affidavit

in support of application N/S 5 of the Limitation Act
In

Original Application No. of 1990.

1. Km. Arpana Gaur .. Applicant
versus

Union of India & others. .. Respondent

I Km. Arpana Gaur aged 22 years D/o Sri
Pyare Lal Gaur R/o 28, Ravindra Palli, Raiza Bad Road,
P.S. Gazipur, Lucknow, do hereby solemnly affirm and
state on oath as under : -

1. That the deponent is applicant, so he is conversant with the facts deposed below.
2. That the deponent is legally entitled to get her appointment in the Railway on "Compassionate Ground" against Class III post on account of Invalid retirement of her father named Sri Pyare Lal Gaur from the post of Guard '1' with Head Quarter at Lucknow Jn. Station on E.R. Railway.
3. That the claim of deponent was denied under impugned letter dated 29-11-1988 contained in Annexure 'A'.

Arpana Gaur

Contd. . . (2)

which was received by the deponent on 21-1-1989.

4. That the deponent made an appeal ~~with~~ against the impugned letter dated 29-11-1988 contained in Annexure A-1 before the Railway Minister of Union of India on 11-2-1989 on which decision has not been communicated to the deponent as yet.

5. That the claim of filing application before the Hon'ble Tribunal accrued to the deponent on or before 10-8-1990 U/S 19 of the Administrative Tribunal Act 1985.

6. That the father of the deponent filed on Original Application No. 253 of 90(I) Pyare Lal Gaur vs. Union of India on 8-8-1990 in which the deponent joined as Applicant No. 2 within the prescribed period of limitation for twin relief of (i) declaration of his date of retirement on 15-5-1987 and (ii) Appointment of the deponent on Compasionate Ground.

7. That the aforesaid Original Application No. 253 of 90(I) was listed for admission on 9-11-1990 which was admitted by the Tribunal with direction that a separate application be filed for appointment of the deponent on Compasionate Ground. Thus delay occurred in filing the Original Application within Limitation Period.

Aparna Gaur

Contd. (3)

8. That the delay is unintentional and beyond the control of the deponent. The delay is reasonable and bonafide for condonation u/s 5 of the Limitation Act.

Lucknow.

Dated. 10 - 12 - 1990

Arpana Gaur
Deponent

Verification

I Km. Arpana Gaur, the deponent abovenamed do hereby verify that the contents of para 1 to 8 of the affidavit are true to my personal knowledge and no material fact has been suppressed.

verified and signed on this 10th day of Dec. 90 of 1990 in the court compound at Lucknow.

Arpana Gaur
Deponent

I Mohd Ilyas Advocate, 5, R.A. Bazar Cantt.
Lucknow identify the deponent Km. Arpana Gaur

Who signs before me.

74/189
10/25/90 Km. Arpana
Mohd Ilyas
Advocate
of Bar
No. 5
No fee charge

Mohd. Ilyas
(Mohd. Ilyas Advocate)

M. S. S. 10/12/90
Com. 10/12/90

COMPIRATION NO 2

TY/BNZ

Annexure 42

To, DRM (S)

LJN

(P)25

Sir, the P.L. Gauri seriously injured
while working 210 DN on 1.11.86.

Ref: Your No. T/5371 P/32/86 dated 6.11.86.

(1) The enquiry report is submitted as under:

On 1.11.86 210 DN was worked by engine No. 6557 YDM4 with driver Shri Balbir Lal and guard Shri P.L. Gaur. The train reached HRN at 19.36 hrs about 12 hrs late. It was Deepawali day and passengers were in hurry to reach their destinations. But train suffered heavy detention for about 3 hours because the block section between HRN-AMS was blocked due to failure of engine of 207 up. Engine of 210 DN was sent to clear the block section. Then train was again detained to cross 513 up. The passengers became very much annoyed as they could not celebrate the festival.

210 DN started from HRN at 22.40 hrs and the guard Shri P.L. Gaur also exchanged alright signal with driver and while standing in brake van he was hit with a stone in moving train on his head. It started profusely bleeding and he fell down unconscious inside his brake van. It happened so suddenly that he lost his consciousness and he don't remember how he reached LJN station. When the train reached Piprasamal, the porter on duty Shri Phul Chand found him unconscious with his head bleeding heavily. He immediately informed station on duty Shri Ashkar Ahmad, and driver of the train. They both attended at once and gave him first aid. The driver instructed his fireman Shri P.S. Dandekar to remain with the guard till train reached Latur. The driver also gave his engine at AMS for treatment medical and at Latur to inform all concerned. Copy

Aparna Gaur

II

Worshy Lucknow DMO/DSH attended with 226
cases and he was admitted at N.R.H.
station for further treatment. He was discharged
on a few days back he is still under
care at his home under the treatment of
DSH.

The statements of drivers, firemen, ASI to
fully POF and the guard Shri P.L. Gaur are
attached for your kind perusal. Shri P.L. Gaur
has himself stated that he was hit on his
head in a moving train after he exchanged alright
signals with the driver and was not beaten by
some passengers as alleged. This happened as passenger
was very much annoyed due to unavoidable
heavy delay of train and they had no
complaint with the guard particularly. The
statement of guard has been corroborated by
the driver Shri Balbir Singh also.

Shri P.L. Gaur guard was seriously injured
on duty which according to D.N. between H.R.N.-A.M.S
and which due to his fault.

Submitted for your kind perusal

Enclosed above.

~~original~~
T.S/B.N.Z.

5/1/87

As per your

True copy
at 6.30 A.M.

7/1/87

राजा म.

कृष्ण गांड गाउड रेल इंजिनियर (कार्यमिति)

प्रवेश रेलवे ५, अंबाक गांड,
(गांडगांड)

विषय- रेलवे इकाई द्वारा दृ-२ टो अ-गांड संक्षीप्त स्टी-२ में फिट होने के पालत्वाधीन किला अंग पर पर्याय करने में आजीवनि

मार्गदर्शन

प्राप्ति उपरोक्त संक्षेप में विष्य निवेदन करना चाहता है-

- 1) धू. लावन इ. जै पर गांड '६' पर पर्याय कर रहा था और गोदाध्यारी के कारण दिनांक ११-५-८७ का दृ-२ ले अनुकिट करने रेलवे इकाई द्वारा दृ-२ में फिट दिया गया है।
- 2) दृ-२ तंत्रज्ञ में अनुकिट इन फिट प्राप्ति पर इकाई अभी भव नहीं है। जिसके सभी तंत्रज्ञत कारण आते हों लावन इ. जै के फिट गए। जिसके सभी तंत्रज्ञत कारण आते हों लावन इ. जै के फिट गए। दिनांक १२-५-८७ का दृ-२ पर पर्याय है। गांड (लावन इ. जै) की उचित कार्यवाची के लिए गेला दिया गया और इसके लिए निर्देश दिया गया।
- 3) इस पर्यायपालि द्वारा इस निर्देशों के आधार पर प्राप्ति दियो द्वारा रहा है तथा अवगत करा रहा है कि प्राप्ति नहीं होती है। इसके लिए इस पर्यायपालि द्वारा अवगत करने हेतु इसकी है तदनुसार कानूनी कृति देता है। पर लावन इ. जै के लिए प्राप्ति निवेदन करता है, कि उन पर्यायपालि द्वारा देते हुए प्राप्ति की उत्ती कुप्राप्ति गोड़ है। इस प्राप्ति के आधार पर लावन इ. जै की उपलब्धि में निपुणि होता है।

प्राप्ति

P. L. Gaur,
(प्राप्ति लावन इ. जै)
गांड-२, लावन इ. जै,
प्रोत्तम रेलवे,

दिनांक १५/५/८७

लावन इ. जै

अप्रैल १९८७

To
The Divisional Railway Manager,
North Eastern Railway,
Lucknow.

sir,

Sub:- Employment to my daughter on compassion;
the applicant being hurt on duty and
later on medically decategorised and unable
to perform any job.

With due respect I beg to state the following facts
for your kind perusal and solicit favourable consideration
thereof.

That, while working 210Dn. Ex, CPA to LJN as Guard on
1.11.86 I was ~~badly~~ hurt on stone throwing from out-side
while exchanging signal with driver and got/severe injury on
head. I felt unconscious and was lying on the ~~first~~ floor ~~on~~
of the B/Van. Station Staff of Piparsand came to know the fact
while taking arrival report and took immediate steps for
medical aid.

That, on their information, medical authorities-MSS of
N & N.E with medical team, DRMs of N & N.E; ADRM, Sr.DOS, DSO, AOS(G)
and AOS(C) all came to attend me, so I have heard later on.
All possible steps even infusion of blood was given under
the special care of all officials present. My life was saved; but
with several troubles.

That, I was under the treatment of DMO/N.R for 15 days
there after under DMO/ASH, So from 1.11.86 to 2.3.87 I was
under the treatment and was asked to take fit although I was
not feeling sound to perform my duty. DMO/ASH issued me Fit
certificate on 2.3.87 and according to his advise I worked
one train 57/58 Ex. LJN to CPA and back on 8.3.87; but I felt
most trouble and anguish and puzzle in my head & brain and
I again approached to DMO/ASH. On his advice I appeared with
special medical check-up and I was remained under his special
check-up from 9.3.87 to 11.5.87 and was declared Unfit for
Category-A/2 and Fit for Category-C/2.

That, consequent upon the facts and according to the
procedure I submitted the medical papers etc. through SS/LJN
who forwarded those papers under his letter No.E/Guard/LJN/87
dated 12.5.87 to DRM(P)/LJN for necessary action.

That, since then I was asked to be present to the
Standing Committee for the alternative job although I have
been telling that I can not perform any job and lastly I
have also given written refusal for any job on 15.5.87 in
the ~~consent~~ of my statement already made. I could not be
present before the Standing Committee as it could not sit
at all. More pathetic, all letters addressed to me was sent to
my home address without mentioning the name of village, when
I am living in the Railway Quarters No.68/A, Aishbagh Railway
colony, since 1968; and although my roll is still maintaining
by the SS/LJN and all applications were endorsed my office
address under the care of SS/LJN.

Aparna Gaur

Contd...2...

...2....

That, Sir, with a heavy heart I beg to state that I am to retire from the Railway service on 31.7.87; my wife is a cancer patient just counting her days; I lost all my amount in her treatment. I got two daughters and no sons. Both the ~~daughters~~ daughters are of marriagable age. I am running in a financial constrain and find no hope of future.

That, I request your goodself, you would very kindly give an employment to my daughter, Kumari Aparna Gaur in any group -C on compassion as it is a case of HURT ON DUTY and fitness was the reason of that only. The biodata of my daughter is given below for favour of consideration.

Name - Kumari Aparna Gaur.

Educational (1) Passed High school - 1st Division-1985

qualification-

(2) Intermediate Exam- IInd Div. - 1987.

Date of Birth- 26.12.68 Aged- 19 Yrs.7 months.

That, an application from her side and all other testimonials are enclosed for ready reference.

And, for this act of kindness the applicant will remain ever pray.

6 (Six Rupees)
(or more if necessary)
Kumari Gaur app. with 3/4 pre
Dated, Lucknow,

the 30th July, 1987.

Yours faithfully,

P. L. Gaur

(P. L. Gaur)

Guard/A/Lucknow Jn.

By Post and Personality
to DRM

Kumari Gaur
Applicant

True Copy
attached

ખદા મ.

832

ਮਾਲਕੀਧ ਰੇਲ ਭਾਵ ਮੰਨੀ
ਭਾਵਾਤਾਂਧੀਧ ਰੇਲਧੇ, ਰੇਲ ਭਾਵਧ,
ਖੁਡ ਪਿੱਲੀ ।

ପିତାମହ

પુર્વધર્મી ગાડી શ્રી જ્યારે લાલ બોડુ, પૂર્વોત્તર દેશથે લાગતાનું ૫૦ કે
ત્રાફસિસ્ટ દુર્ગાટાન કે ફાળા કેણા પ-૨ મે ધિક્કિટસીય પ્રમાણ-
પત્ર પર ફાય મે ક્રાંત ટોને કે ફ્લાન્ફલ્સ્ટ સાંસ્કૃતિક આદાર એ
દ્વિધુદિત કે ક્રાંત મે આયેદાન પત્ર ।

दृष्टि:-

ਮਣਡਲ ਰੇਤ ਪ੍ਰਬੰਧਕੀ ਫਾਰਮ ਲਕਾਨਕ ਦੇ ਏਸ ਸੰਭਾਵ ਈ/1/227/
ਤੁਲੁਤਸ਼ਾ/ ਮੁੱਲ 10/237 ਵਿਕਾਫ 29/11/88। ਪੰਜੀਕਰਨ ਦੇ ਪਿਲਾਦ
ਪ੍ਰਤੀਧਾਨ ਕੇਵਲ ।

માત્રાભેદી ય માઠોદય-

उपर छा व्याख्या अपरोक्षत के विवरण में उपर्युक्त फरते हुये विन्द्वतिलिङ्गत तद्यों औ उपर के साथ विवारार्द्ध प्रस्तुत फरक्षा पातती हैं। साता की उपर के सही विव्युक्तों पर विवारोपराक्षत व्याख्या की उपेक्षा फरती है।

111. मेरे पिता श्री एयर लाल भाड़, पूर्वोत्तर रेलवे में गाड़ी के पद पर मेडिकल लेणदी ५-२ में छायदात हो। विकास लालभुर हें गाड़ी लड्डों समय दिक्षिण १/११/८६ के साथ ऐसे रेल एटेनर के पर में बोट लब्दे के फारण दुर्घटका हो गयी। उन्हें प्रथम उपचार में रेत इन्फिल्ड्रेशन दिक्षिणालय उत्तरी रेलवे लाभाब्द में उपचार के लिए उत्तरी विभाग में शारीरिक विधा उपचार उल्लिखी दिक्षिणी दिक्षिण १/११/८६ से २/३/८७ तक बहती रही। तत्परता ३/३/८७ से फार्म लर्ने के लिए दिक्षिण के उन्हें उल्लिखी दिक्षिण श्री। विकास ८/३/८७ के फार्म उपचार के एवं उपचार मेरे पिता के यह महसूस किया था कि वे उपचार फार्म हो गही दृग से बहारी उपचार कर पा रहे हैं लियों कि उन्हें स्टेट विभाग बहीं पड़ा। एटी तटी उन्हें बहुत एवं राहट तटी शारीरिक उपचार की उल्लिखी दिक्षिण। उन्होंने दिक्षिणी सुविधा उन्होंने किया था विकास ९/३/८७ के प्रस्तुत उपचार के लिए

121 दिल्ली 9/3/87 के सूचना को देशी अधीक्षण लक्षण अ० पूर्वोत्तर रेल्यू बी एमओ एवं बी बी एवं परीक्षा के लिए तात्परा उपाय लेने को बिला ।

13। **ਛੀ ੦੪੦੦੩੦੩੦ ਪ੍ਰਵੰਤਰ ਰੇਲਵੇ ਏਸ਼ਾਵਾਂਸਿ ਕੇ ਮੇਟੇ ਪਿਤਾ ਫੋ ਤਿਸ਼ੋਂਡਾ**
ਧਿਲਿਤਸਾ ਪਈਲਾਂਡਾ ਮੈਂ ਵਿਕਾਂਫਿ 13/3/87 ਕੇ 11/5/87 ਤੋਂ ੨੦੦੦ ਤਤਿਆਂਧਾਂ
ਠਹਾੰਡਾ ਅ-2 ਦੇ ਲਿਮਿਤ ਤ੍ਰਾਵਾਂ। 20-fix । ਪਾਧਾ ਨੇਟ ਬੀ-2 ਦੇ ਲਿਏ
ਥਾਵਾਮ ਪਾਧਾ, ਵਿਖੇ ਤ੍ਰਾਵਾਰ ਪਾਰ ਸਹਿਤ ਰੇਲ ਪ੍ਰਵੰਤਰ। ਫਾਰਮਿਫਿ । ਪ੍ਰਵੰਤਰ
ਰੇਲਵੇ ਕੇ ਵਿਕਾਂਫਿ 28/6/87 ਨੇਟ 21/7/87 ਦੋ ਥਾਵਾਤਾਂਫਾਰ ਹੋਣੇ ਵਿੱਚ

Appra Gant

उपरोक्त के फूल में भी मालवीय नामों का एक विस्तृतिभित्ति विद्यि भी तरफ व्यापकीय उत्तरा धाराभी :-

131) ਧਿਕਾਰੀ 19/6/87 ਮਣਡਲ ਐਤ ਪ੍ਰਵਾਨਗਾਤਮਕ ਸਿਵਲ ਲਕਾਲਕ ਦੇ ਪੜ ਈ0
 1/1/227/ਦੀਅਤ- 3111/। ਨਾਨਾ ਧਿਕਾਰੀ 14/7/87 ਦੇ ਪੜ ਦੇਣਾ ਲ/ਟੀ/227/ਦੀਅਤ- 111/। ਫੇ ਮਾਤਾਪਾ ਦੇ ਮੁਸਾ 28/6/87 ਤੋਂ 21/7/87 ਲਈ
 ਕਾਰਾਤਲਾਂਦ ਛੁਪ ਰਿਹਾ ਸ਼ੇਖੀ ਦੇ ਅਨੇਕ ਅਧਿਕਾਰਤ ਕੌਕੈ ਦੇ ਲਿਏ ਝੋੜਾ ਬਧਾ
 ਦੀ ਵਹ ਪੜ ਸੇਵੇ ਪਿਤਾ ਦੇ ਸੂਨ ਮਾਮ ਦੇ ਅਕਾਲ ਦੇ ਪਾਤੇ ਦੇ ਸੌਗਾ ਮਧਾ ਲਾ ਜਗਿ
 ਸੇਵੇ ਪਿਤਾ ਐਤੇ ਰਖਾਈ 68-ਏ ਏਤਾਵਾਂ ਦੇ ਪਾਤੇ ਦੁਰ ਰਹ ਰਹੇ ਥੀ ਵਿਲੇ ਰਖਤਾ
 ਰਖਾਈ ਦੇ ਫਿ ਫਾਰੂ ਸਨੀ ਦੂਜੀ ਲੰਬੀ ਸੱਧਾ ਦਿਤ ਥਹੀਂ ਹੋ ਰਹਾ ਲਾ ।

16। मेरे ताता मेरे पिता के अपर-लिंगित अपेक्षा पर्याप्त पर जो वृद्धि का
मुद्रा पर लंबा है 1/227/रक्षणा/ १०४०/२३७ विधाति २८/११/८८ जो २४/१/८९
को प्राप्त हुआ है, मैं यह स्पष्ट बताऊं किया भया है कि विध अपार्टमेंट
पर विविधता के लंबा भूमिकार पर पाता सम्भाव बताऊं है ।

। ६। यह स्पष्ट है कि मेरे पिता ने सरकारी कार्य पर ।/।।/८६ को सर में प्रत्यारूप लम्बे के फारण पुर्णांचल तुड़ी थी और तब से मेरे पिता बराबर

Pipasina 400 ft

ऐसे विवित सभा के पास उपचार में बैठे रहे। जिसका उनके शासी और अब पर उपचारकार्य पड़वे के फार्मा पूरा परिचार टूट जा जाया और हजारी यात्रा मेरी माँ को मिसी और उनका स्वर्गवास पिता के लिए विपुल होते हो तीक दिव जाय रहे गया।

विवेदकः-

उपरोक्त सभा परिचितात्मियों एवं तत्त्वों को आप के साथ लिई जेता-जीवा जैसा कि उपर्युक्त विवेदक को स्पष्ट लिखा जाता है और यह इसी सुधित लिखा जायता ही है कि मेरे अलावा मेरे पिता की जेतात्मा उन्हें योह विवित बहीं लिखे जाता है, जो उपर्युक्त की तितिका के आवश्यक जेतात्मा जैसा यह रहे हैं कि और उनका उपचार यद्यपि यह रहा है। यत्तमाक मेहमान के समय में विवेदक स्पष्ट लिखा जाता ही अनुचित होना जिसका सूर्य को वीषम विवरण है।

अतः आप के उपरोक्त विवेदक लिखा जानुअर्ये पर समयक विवार लिखे हो उपरान्त मात्रवीय जेतात्मा पर पिता के उपर्युक्त के जार्मा मुझे ऐसे प्रश्नात्मक के अन्तर्गत जो मेरे लिए जायते लेवा का विवार हो, पर विवित के जार्मा विवेदक लिखे हो महीन फूपा होते हैं। यत्तमाक में मैं बी०००१८८ विवितीय में विश्वविद्यालय में पढ़ रही हूँ। इस संवेद में अपने पूर्व प्रेक्षित जार्मा विवेदक पत्रों, जेतात्मा पत्रों, जेतात्मा तत्त्वों तत्त्वों मेरे पिता द्वारा प्रेक्षित जार्मा विवेदक पत्रों के जारी रूप समर्पण उपर्युक्त तत्त्वों की फोटोस्टेट जारी की जाती है।

मुझे जेता की बहीं विवास है कि मेरे जेतात्मा पर आप सहयोग युक्त विवार लिखे हुए आपस्यक जार्मा विवेदक लिखते हो मेरे परिचार को जारी जाती विवितात्मियों के लिए जीवा की फूपा लिखें।

सम्मान,
विजयी ।।-२-८९
संलग्न : - उपरोक्त ।

जेतात्मी
जेतात्मा जीड़।
मुझी श्री द्यारे लाल भोड़
७८८वी ब्लू एल्टी
जेतात्मा रोड, लालक ।

प्रतितिपि:- महाप्रबन्धक, प्रवर्त्ततर ऐसे मुख्यालय और पुरुषों को उपरोक्त सभा के सामने आवश्यक जारी कर जायाती है त्रिकाल ।

।००१८८८८ गीड़।
मुझी श्री द्यारे लाल भोड़,
७८८वी ब्लू एल्टी
जेतात्मा रोड, लालक ।

अप्रैल १९८९
निवास
लालक

N.E. RAILWAY.

No. E/239/0(V)

OFFICE OF THE
GENERAL MANAGER (P)
GKP. Dt. March, 1986

All Heads of Departments
All Divl. Railway Managers,
All Extra Divl. Officers
All Personal Officers
N.E. RAILWAY

Sub: Employment on compassionate grounds.

A copy of N.I.Y. Board's letter No. E(NG)II/85/RC-I/46 dt. 28.2.1986 on the above subject is sent herewith (both in English & Hindi) for information, guidance and necessary action.

Please acknowledge receipt.

Sd/-

for GENERAL MANAGER (P)

DA/AS above.

Copy of N.I.Y. Board's letter No. E(NG)II/85/RC-I/46 dt. 28.2.86 addressed to the General Managers, All Indian Railways and others.

Sub: Employment on compassionate grounds.

In terms of instructions contained in para 1(iv) of Board's letter No. E(NG)II/78/RC-I/1 dated 7.4.83, appointment on compassionate grounds can be offered where a railway employee becomes medically declassified for the job he is holding and no alternative job with the same emoluments can be offered to him. Again, in Board's letter of the same number dated 3.9.83, instructions were issued that in cases where, on being medically declassified, a railway employee is offered alternative employment on the same emoluments but the same is not accepted by him and he chooses to retire from service, compassionate appointment of an eligible ward of the employee, ~~compassionate appointment of~~ if so requested by him, can be considered at the discretion of the competent authority, provided that if the employee has less than three years of service before superannuation ~~time~~ (i.e. has passed the age of 55 years) at the time the decision is taken, personal approval of the General Manager has to be obtained before the offer of appointment on compassionate grounds is made.

2. It has been reported to the Board that there are cases where the provisions of the aforesaid letter dated 3.9.83 had been invoked for accepting requests for compassionate appointment, though the circumstances of the case did not warrant or merit exercise of the discretion in favour of the ex-employee. A case has also been brought to notice wherein the personal approval of the General Manager was not taken for employment of a ward of an employee, who had crossed the age of 55 years. In one case the appointment to the ward of an employee was given only one day prior to his date of superannuation and that too by an authority lower than the General Manager.

Dparma/48

.....2

(-2-)

3. Board desire that proposals for compassionate appointment should be carefully scrutinised so that the discretionary power vested in the competent authority is exercised judiciously, and appointments are offered only in cases genuinely deserving consideration of the case. Before deciding to offer such appointments, in a case falling within the purview of the aforesaid letter of 3.9.1983, if the competent authority so desires, it may call for and take into account the past record of service of the employee (including his vigilance record). Appointment of wards of employees who are over 55 years old, (in cases covered by the instructions of 3.9.83), should be done only in circumstances considered as special cases and not as a matter of course. Such appointments should be approved personally by the General Manager and not by any authority lower than him, as stipulated in the instructions in question.

Apparatus

First Copy
Second Copy
Third Copy
Fourth Copy

(297)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench Lucknow

O.A. No. 399 of 1990 (L)

Kn. Aparna Gaur

.....Applicant

Vs.

Union of India & others

....Opposite parties

COUNTER REPLY ON BEHALF OF THE OPPOSITE PARTY NO. 1 & 2

I S.M.N. Islam aged about 34 years S/o Sri S.M.Cwais working as Sr. Divl. Personnel Officer in the North Eastern Railway Lucknow, do hereby solemnly affirm and state as under:-

SL. No. 5

1. That I have been duly authorised by the opposite party no. 1 and 2 to file this instant reply. I have gone through the application and have understood the same well. As such I am conversant with the facts and circumstances deposed to hereinafter.

2. That the contents of para 1 & 2 of the application need no comments.

At 5.00 P.M.
3. That in reply to para 3 of the application, it is stated that the application of the applicant is barred by time as provided under section 21 of the Administrative Tribunal Act 1935, hence it deserves to be dismissed with cost throughout on this score alone. It is further submitted that the separate application under section 5 of the limitation Act moved by the applicant deserves to be dismissed as the affidavit

26/5/92

containing facts and circumstances, moved in support of the application, does not contain the proper explanation and the cause as to why the application could not be moved within the prescribed period of limitation. The applicant should and must have explained the delay from day to day, which she failed to do so.

4. That the contents of para-4 of the application are being replied as under :-

4(i) That the contents of para-4 (i) of the application need no comments.

4(ii) That the contents of para-4(ii) of the application need no comments.

4(iii) That the contents of para -4(iii) of the application need no comments.

4(iv) That the contents of para-4(iv) of the application need no comments.

4(v) That the contents of para-4(v) of the application need no comments.

4(vi) That the contents of para-4(vi) of the application need no comments.

4(vii) That in reply to para-4 (vii) of the application it is stated that the father of the applicant was declared fit on 3.3.87 and he worked the train no. 57 up and 58 Dn. on 8.3.87 and on his request he was sent for special medical examination where he was declared fit in medical category C-2 on 11.5.87.

Para 4 That the contents of para 4(viii) of the claim (viii) application are not admitted as stated. In reply thereof it is submitted that as per extent orders of the

S. Railway Board, when railway employee became crippled while in service or develop serious ailments like heart diseases,

cancer etc. or otherwise medically declassified for the job, they are holding and no alternative job of the same emoluments can be offered to them, ^{one} son/daughter should be eligible for compassionate appointments if such an employee opts.

It is further submitted that the petitioner on being declared ~~medically~~ / declassified was called to appear before the standing committee on 21.7.87 for alternative appointments. But despite he received the letter dated 14.7.87, he did not appear before the standing committee and intimated vide his application dated 21.7.87 stating that he had already given application on 15.7.87 that he was unable to perform duty of any post and requested for appointment of his daughter. Thus he did not appear before the standing Committee for alternative job, hence he was retired on 31.7.87 on attaining the age of superannuation. Thus the instant case does not come within the purview of the rules for appointments on compassionate ground.

4(ix) That the contents of para-4(ix) of the application are wrong hence denied. In reply thereto it is stated that the father ~~of~~ the applicant Sri P.L.Gaur was medically declassified for medical category A-2 and found fit for medical category C-2 vide Divisional Medical Officer Aishbagh's certificate no.DR/765/86-87/dated 13/3.11/87. Consequently the father of the applicant was called to appear before the standing committee on 21.7.87 vide office order no.Ka/1/227/CL.III, /IV dated 14.7.87. On receipt of the said order Sri P.L.Gaur the father of the applicant attended the office but declined to appear before the Standing Committee and instead of appearing before the standing committee he submitted an application on 21.7.87 requesting therein for the appointment of his daughter Km.apm.

-----4-----

Gaur, the applicant. The father of the applicant again submitted an application dated 30.7.87 to Divisional Railway Manager Lucknow stating therein that he was unable to perform duty on any job. So the father of the applicant was retired on 31.7.87 on the date of his superannuation.

4(x) That the contents of para-4(x) of the application are wrong, hence denied. In reply thereto it is stated that the contents of para under reply have already been replied in the preceding paras of this reply. It is further submitted that the period from 15.5.87 to 31.7.87 was regularised as from 15.5.87 to 29.5.87 as leave on average pay (LAP) and the period from 30.5.87 to 31.7.87 was decided as Leave ~~without~~ Pay. It is further stated that the due~~s~~ payments of the father of the applicant have been made and the same payments have been admitted by the respondent no. 3 in the O.A. no. 253 of 1990 (L) P.L. Gaur Vs. Union of India and others, under para 8 of the application. This clearly proves that the applicant has not ~~been~~ come before this Hon'ble Tribunal with clean hands and as such the application is liable to be dismissed. Statement contrary to it are denied.

4(xi) That the contents of para-4(xi) of the application are partially wrong, hence, denied. In reply thereto it is stated that the matter of the appointment of the applicant on compassionate ground was considered by the Competent Authority and matter was also referred to Railway Board. The decision taken by the Railway Board was advised by General Manager(P) Gorakhpur vide letter no.E/239/212/Class-III/Lucknow, / V dated 22.11.88 that the case of the applicant was not admissible under

the zone of compensationate ground and also the Railway Board has disapproved the same. Accordingly the applicant was informed vide letter no. E/1/227/Anukampa/ Cl.III/237 dated 29.11.88. The copy of the letter dated 22.11.88 is being annexed as annexure no. A-1 to this reply. The copy of the latter dated 29.11.88 has already been annexed as annexure no. A-1 to the original application.

4(xii) That the contents of para -4(xii) of the application are denied as allege, except the letter dated 29.11.88 contained in annexure-1 of the original application.

4(xiii) That the contents of para-4(xiii) of the application are wrong, hence denied. In reply thereto it is stated that there is no such reason as the applicant presumed. It is further stated that applicants' case for appointment of compensationate ground was not covered under the rules.

4(xi11) That the contents of para-4(xiv) of the application are wrong, hence denied. In reply thereto it is stated that no such appeal dated 11.2.89 contained in annexure no. 7 to the application, is available in the official records. This fact shows that the applicant has fabricated such appeal only to coverup the period of limitation prescribed under the Administrative Tribunal Acr. 1985. However if any alleged appeal has been sent by the applicant directly to the Hon'ble Deputy Minister Railways than in this respect it is submitted that the answering opposite parties have got no knowledge about the same.

4(xv) That the contents of para 4(xv) of the application are wrong hence denied. In reply thereto it is stated that the applicant does not come ~~within~~ within the purview of appointment on compassionate ground in view of the Railway Board's letter No.E(NG)III/78/RCI dated 3.9.83 communicated by General Manager(P) N.E.Railway, Gorakhpur vide No.E/239/0/V dated 21.4.83 and Rly. Bd's letter No.E(MG)III/78/RC-1/1 dated 7.4.83 communicated by G.M.(P) Gorakhpur vide letter No.E/239/0/V dated 25.4.83. The True copy of Railway Board's letter dated 7.4.83 and 3.9.83 are annexed to this reply as Annexure NQA/2 and A/3 respectively.

4(xvi) That the contents of para 4(xvi) of the application need no comments.

4(xvii) That the contents of para 4(xvii) of the application are not admitted in view of the facts and circumstances narrated in the preceding paras of this counter reply.

5. That in reply to para 5 of the application it is stated that the grounds taken therein are false, frivolous and fabricated as such these are not sustainable in the eyes of law. The application of the applicant deserves to be dismissed with cost throughout, in view of the facts and circumstances, stated in the preceding paras of this counter reply.

6. That the contents of para 6 of the application are not admitted hence denied, in view of the paragraph 4(xiv) of this counter reply.

7. That in reply to para 7 of the application it is stated that the applicant filed an application before this Hon'ble Tribunal which has been registered as

RE
O.I.No. 253 of 1990, P.L.Gaur and other Vs. Union of India and others, in which the present applicant is, applicant no.2.

8. That in reply to para -8 of the application it is stated that in view of the facts and circumstances stated in the preceding paras of this counter reply, the applicant is not entitled for any relief as prayed and her application deserves to be dismissed with cost throughout.

9. That the contents of para-9 of the application need no comments.

10. That the contents of para-10 of the application need no comments.

11. That the contents of para-11 of the application need no comments.

12. That the contents of para-12 of the application need no comments.

Dated: - 21.2.82

Lucknow

VERIFICATION

(वेरिफिकेशन)
कार्यालय के अधिकारी
कार्यालय के अधिकारी
S. DIVISION
S. E. I. (लक्ष्मी), Lucknow

I, S M N Islam, the above named to hereby verify that the contents of para 1 of this counter reply are true to my personal knowledge and those of paras 2 to 12 of this counter reply are true on the basis of the knowledge derived from the perusal of records relating to the instant case kept in the official custody of the answering respondents except legal averments which are believed by me to be true on the basis of legal advice. No part of this counter reply is false and nothing material has been concealed.

Dated: - 21.2.82

Lucknow

THROUGH

(B.K. Shukla)

Advocate, Counsel for the Respondents.

(वेरिफिकेशन)
कार्यालय के अधिकारी
कार्यालय के अधिकारी
S. DIVISION
S. E. I. (लक्ष्मी), Lucknow



कार्यालय मुख्य कार्मिक अधिकारी
पूर्वोत्तर रेलवे, गोरखपुर
OFFICE OF THE CHIEF PERSONNEL OFFICER
N. E. RAILWAY
GORAKHPUR

29/2/1988
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प्र०स० र०/239/212/तृ० श०/लखनऊ/पांच
पक्षल रैल ब्रुब्स्क (का०)
गूवेंता रैलवे/लखनऊ

दिनांक 22/11/88

विषय:- अनुकूला के आधार पर श्री प्यारे लाल गोड भूतपूर्व गार्ड/
लखनऊ का अपने पुत्री कुमारी अपर्णा गोड की नियुक्ति।

सन्दर्भ:- आपका अप्स०४०४०. ई/।/228/अनुकूला/तृ० श०/237
दिनांक 22-4-88.

उपरोक्त सन्दर्भ में यह सूचित किया जाता है कि कुमारी अपर्णा गोड
पुत्री श्री प्यारे लाल गोड भूतपूर्व गार्ड को नियुक्ति का कैसे महाप्रबन्धक महोदय
के अनुमोदन से रैल परिषद के विचारार्थ भेजा गया था। परन्तु रैल परिषद
ने अपने नियुक्ति फैलावन जी ३३/८८/आरसी-१/।।२ १९८८-१०-१०-८८
द्वारा यह सूचित किया है कि यह कैसे अनुकूला के आधार पर नियुक्ति की
परिस्थि नहीं आता है और इस हेतु अपनी असहमति प्रदान की है।

13 नव० 88
(रामचंद्रसिंह)
रामचंद्रसिंह
कृते महाप्रबन्धक (का०)

After read 6/9/88
2/11/88 : True "Copy"

कार्यालय कार्मिक अधिकारी

पूर्वोत्तर रेलवे

लखनऊ, 22/11/88

LUCKNOW BENCH, LUCKNOW

K

D.A. NO. 399/ 90

Km. Aparna Gaur ..

Appoint

V.S.

Union of India & others ...

D.P.S

ANNEXURE NO. 2

NORTH EASTERN RAILWAY

ER 2-470
S.No.1484

No.E/239/0/V

Office of the
General Manager(P)
Gorakhpur
Dated 25-4-1983

All Heads of Departments,
All Divl.Railway Managers,
All Extra Divl.Officers,
All Personnel Officers,
North Eastern Railway

Sub: Appointment on compassionate grounds.

A copy of Railway Board's letter No.E(NG)III/78/RC1/1 dated 7.4.83 on the above subject is circulated to all concerned for information, guidance and necessary action.

Copies of Railway Board's letter No.E(NG)III-78/RC1/1 dated 30-4-1979 as referred to in Board's letter dated 7.4.83/ already been circulated vide this office circular No.E/239/0/V dated 8.5.79.

Please acknowledge receipt.

DA/AS above.

Sd/-
for General Manager(P).

Copy of Railway Board's letter No.E(NG)III/78/RC1/1 dated 7.4.83 addressed to the ~~summi~~ General Managers, All Indian Railways D.L.W., C.L.W. & LCF.

Sub: Appointment on compassionate grounds

Instructions regarding appointment on compassionate grounds have been issued from time to time. The instructions currently in force are those contained in Board's letter No. E(NG)III-78/RC1/1 dated 30.4.1979 as modified from time to time thereafter. These have now been consolidated and are reproduced below for the information and guidance of all concerned.

1- Circumstances in which compassionate appointments may be made.

True (S/)
Appointments on compassionate grounds relate to those appointments which can be made of dependents of Railway servants who lose their lives in the course of duty or die in harness otherwise while in service or are medically incapacitated. The circumstances in which appointments on compassionate grounds may be made are as below:

- (i) When Railway servants lose their lives in the course of duty or get so crippled that they cannot do any work (this also in the course of duty-for example, loco and traffic running staff in charge of trains involved in accidents.)
- (ii) When Railway employees die in harness while in service before retirement.

(III) Where an employee's whereabouts are not known for a period of 7 years and the settlement dues of the employee are paid to the family on this account. This limit of 7 years may be relaxed to 3 years on the merits of each case with the approval of the General Manager, subject to the condition that the services of the person appointed on compassionate grounds would be terminated in case the missing employee is traced subsequently.

(IV) When Railway employees become crippled while in service or develop serious ailments like heart diseases, cancer etc. or otherwise medically decategorised for the job they are holding and no alternative job of the same emoluments can be offered to them.

Note :- The appointment on compassionate ground is admissible to the dependents/wards of regular employees only.

II. Son/daughter/widow/widower of the employees are eligible to be appointed on compassionate grounds in the circumstances in which such appointments are permissible. The benefit of "compassionate appoints may also be extended to a "near relative". The eligibility of a near relative to such appointments will be subject to the following conditions.

- (i) The employee or the ex-employee should have no son or daughter or the son or daughter is a minor one and the wife/widow/widower cannot take up an employment.
- (ii) A clear certificate should be forthcoming from the wife/widow/widower that the near relative will act as the bread winner of the family.
- (iii) If the family certifies at a later date that the near relative who was appointed on compassionate grounds refuses to support the family the services of that employee are liable to be terminated.
- (iv) Once a near relative is appointed on compassionate grounds, no further appointment should be given later to a son or a daughter or the wife/widow/widower of the employee on compassionate grounds. The appointment of a near relative should not be considered if a son or the daughter or the wife/widow/widower is already working and is earning.

Note (B): Near Relatives would normally mean a blood relation who can be considered to be a bread winner for the family.

True Copy

-3-

III. Time limit for making compassionate appointments.

Normally all appointments on compassionate grounds should be made within a period of 5 years from the date of occurrence of the event entitling the eligible person to be appointed on this ground. This period of 5 years may be relaxed (where for example the widow cannot take up employment & the sons/daughters are minor) with the approval of the General Manager in deserving cases while compassionate appointments are sought on the ground of an employee losing his life or getting crippled in the course of duty. In other cases relaxation of the 5 year limit will require the approval of the Ministry of Railways for which purpose the requisite reference giving special reasons for the proposed relaxation should be made with the personal recommendation of the General Manager based on the special circumstances obtaining in individual cases.

IV. Qualifications and conditions to be fulfilled.

Normally the persons seeking appointment on compassionate grounds should fulfil the conditions of eligibility regarding age and educational qualifications prescribed for appointment to the post or grade concerned. However, the upper age limit may be freely relaxed on the merits of the cases. The lower age limit of 18 years normally required for appointment in Government may also be relaxed upto one year with the personal approval of the General Manager. Relaxation of the lower age limit beyond one year will require the approval of the Ministry of Railways.

The educational qualification prescribed for the post of be offered should not in any case be relaxed. However, if on the merits of an individual case the General Manager feels that such a relaxation of the minimum educational qualification is absolutely necessary, then such cases may be referred to the Ministry of Railways.

V. Grades in which appointments can be made on compassionate grounds.

All appointments on compassionate grounds should be made only in the recruitment grades like Office Clerks, Commercial Clerks, Assistant Station Masters, etc. No appointment should be made on compassionate grounds in an intermediate grade i.e. one which is filled purely by promotion. Appointments on compassionate grounds are also not permissible in the category of Traffic Apprentices/ Commercial Apprentices (grade Rs.455-700) and Engineering graduate apprentices (grade Rs.550-750) because direct recruitment in these grades is proportionately very limited.

Tare (Clerk)

5/2/

Contd... 3/-

-4-

VI. Procedure to be followed before making compassionate appointments.

The candidates applying for appointments on compassionate grounds should be subjected to a suitability test by a Committee of three Senior scale officers one of whom should be a Personnel Officer. The test need not be very rigid. It has only to be assured that the person concerned would be in a position to discharge the duties of the post being offered to him. The test is also meant to assess the aptitude of the person for the particular job proposed to be assigned to him. It should be conducted keeping compassion in view which is the basis for such appointments.

The candidates who are to be offered appointments on compassionate grounds may also be required to submit a character certificate from two Gazetted officers.

VII. Authority competent to make appointments on compassionate grounds.

The power to make compassionate appointments is vested in the General Manager. The General Manager may, however, redelegate this power to the Divisional Railway Manager and also to Heads of the extra Divisional units who are in Level I or Level II subject to such control as he may like to impose on the exercise of such power by these authorities. Proposals for appointment on compassionate grounds of dependents of gazetted officers should, however, be referred to the Ministry of Railways for approval.

VIII. Priorities to be observed in making appointments on compassionate grounds.

The following should be the order of priority to be followed while making appointments on compassionate grounds:-

- (i) Dependents of employees who die or are permanently crippled in the course of duty;
- (ii) Dependents of employees who die in harness as a result of railway accidents when off duty;
- (iii) Dependents of employees who die in service or are medically incapacitated.

For the proper enforcement of priorities, separate lists should be maintained in each office/for the categories indicated above, the date of priority being from the date of eligibility. All appointments should be made strictly in this order. Where, for any special reasons, it is felt necessary to depart from the priority list, the sanction of the next higher authority (CPO for appointments to group 'C' posts) must be obtained giving details for ignoring the priority and the list of persons being put back in the priority list. Such cases should, however, be rare.

-5-

A time limit of one month should be observed within which appointments should be given in priority(i) cases and three months in cases relating to priority(ii) and (iii) subject to vacancies being available. To accommodate the illiterate widows of the deceased railway employees, posts of Waiting Room bearors, Waterwomen, Hospital Ayah/attendant (female), Cinder picking women, Seeper women, C&W Khalasis for waste packing Retiring room attendant, Servers, Khalasis attached to Sub-divisional officers like JEN's PWIs, a percentage of vacancies of office ~~peons~~ peons etc.

IX. General

When offering appointment on compassionate grounds to a widow, son, daughter, etc. it need not be checked up whether another son/daughter is already working; but in no case should there be more than one appointment against one death/medical incapacitation. For example, it should not be permitted where the family wants another son or daughter to be employed in lieu or in addition to an appointment already made on compassionate grounds.

Once an appointment on compassionate grounds of the ward/widow etc. has been made in a particular category, no change of category is subsequently permissible.

X. Relaxation.

Wherever any deviation from the above provisions are sought to be made in individual cases of merit, the prior approval of the Ministry of Railways should be obtained and in such cases personal approval of the General Manager should be indicated in the references.

Hindi version will follow.

True Copy

1. ____

2. ____

Km. Aparna Gaur

..

Applicant

v/s.

Union of India & others

...

O.P.s

ANNEXURE NO. 3

NORTH EASTERN RAILWAYEP-2 488
S/No.1608OFFICE OF THE
GENERAL MANAGER(P),
GORAKHPUR.

No.E/239/0/V

Dated: 21.9.1983.

All Heads of Departments,
 All Divl.Railway Managers,
 All Extra Divl.Officers,
 All Personnel Officer,
North Eastern Railway.

Sub: - Employment on Compassionate Grounds.

A copy of Railway Board's letter No.E(NG)III/78/RS1/1 dated 8.9.1983 on the above subject is circulated to all concerned for information and future guidance.

Copy of Railway Board's letter No.E(NG)III/78/BC1/1 dated 7-4-1983 as referred to in Board's dated 3-9-1983 has already been circulated vide this office circular No.E/239/0/V dated 25-4-1983 (S.No.)

Please acknowledge receipt.

Sd/-
for GENERAL MANAGER(P).

 Copy of Railway Board's letter No.E(NG)III/78/RC1/1 dated 3.9.1983 addressed to the General Managers, All Indian Railways and others.

In terms of the instructions contained in para I (iv) of Ministry of Railways' letter of even number dated 7-4-1983, appointments on Compassionate grounds may be offered where Railway employee becomes medically declassified for that job is holding and no alternative job with the same emoluments can be offered to him.

2. During discussions in the meetings of the Departmental Council of J.C.M. held on 25th and 29th June, 1983 and 29th and 30th July, 1983 the staff side demanded that even in those cases where, on being medically declassified, a railway employee is offered no alternative job on the same emoluments, his son or daughter should be offered employment on Compassionate grounds if the employee himself opts to retire voluntarily.

3. After careful consideration of the matter it has been decided that in cases where a railway employee is offered alternative employment on the same emoluments but it is not accepted by the employee and he chooses to retire from service, compassionate appointment of an eligible ward of the employee, if so requested by him, can be considered at the discretion of the competent authority provided that if the employee has less than three years of service before superannuation i.e. he is past the age of 55 years at the time the decision is taken, the personal approval of the General Manager has to be obtained before the offer of appointment on Compassionate grounds is made.

Sd/-
Deputy Director Retirement (W) P.W.D.

Copy
Fwd

1st copy to Tribunal

(R.S)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.

O.A. No. 399 of 1990 (L)

Mr. Aparna Gaur Applicant.

v/s

Union of India and others. Respondents.

Fixed For: 20-5-1992

Applicant's Rejoinder to counter reply on
behalf of Respondent No. 1 and 2.

1. That the contents of para 1 of counter reply (in short C.R.) need no comment except that ~~Mathuram~~ letter of authorisation has not been filed on behalf of respondent No. 1. Further the C.R. is filed beyond the period of limitation prescribed ~~prescribed~~ without a prayer for condonation of delay in filing the C.R. Hence the C.R. may not be admitted on the record of proceedings of the Tribunal.
2. That the contents of para 2 of C.R. need no comments.
3. That the contents of para 3 of C.R. are not admitted and it is stated that a separate application for condonation of delay in filing Criminal Application (in short O.A.) duly supported by an affidavit has already been considered on the Tribunal. Hence the objection on this ground has no force and it is liable to be rejected.
4. That the contents of para 4 of C.R. are commented as under:-

(i). That the contents of para 4(i) of C.R. need no comments.

(ii). That the contents of para 4(ii) of C.R. need no comments.

(iii). That the contents of para 4(iii) of C.R.

contd-2

Aparna Gaur

DS2

need no comments.

(iv). That the contents of para 4(iv) of C.R. need no comments.

(v). That the contents of para 4(iv) of C.R. need no comments.

(vi). That the contents of para 4(vi) of C.R. need no comments.

(vii). That the contents of para 4(vii) are not admitted as stated. The contents of para 4 (vii) of O.I. are re-iterated. It is further stated that the father of the applicant was already unfit in Medical Category A-2 on 3-5-1987. He was fit only in Medical Category C-2 on this date. The Divisional Medical Officer issued a fit certificate in bad faith to deprive the father of the applicant from ~~for~~ Accident Claim compensation partial permanent disablement of his eyesight on account of accident on duty on 1-11-1986. His father, while working on 3-5-1987 Ex. Lucknow Jn.- Kanpur Anwerganj on train No. 57 and 58 felt practical difficulties for his personal safety as well as working of the train. The Station Superintendent Lucknow Jn. realised the gravity of the aspect of Safety and he sent for his Special Medical Examination and the result was that he was declared medically declassified from medical category A-2 to for Guard to C-2. There was no post for his absorption nor he was absorbed in Medical Category C-2 upto the date of his normal retirement on 31-7-1987 nor he was paid salary or leave salary from 29-5-1987 to 31-7-1987

4(viii). (viii). That the contents of para 4(viii) of C.R. are not admitted as stated and the contents of para 4(viii) of O.I. are re-iterated.

(a). It is further submitted that the extent order of the Railway Board has been misinterpreted on behalf of respondents No. 1 and 2 i.e.:-

contd-3

Aparna Gaur

" When Railway employee crippled while in service

or develop serious ailment like heart disease
cancer etc. or otherwise Medically de-categorised
for the job, They are holding and no alternative
job of the same emoluments can be ~~appeared~~ offered
to them. One Son/daughter should be eligible for
compensate appointment if such an employee opts"

(b). It is further made clear that the eyesight of the
father of the applicant crippled on account of head injury
in accident on duty while working as a Guard on train on
1-11-1980. Thereby causing permanent partial loss of his
eyesight and in-capable of performing the duty of Guard in
Medical Category A-2. on this account he was entitled for
his retirement on the date of decategorisation on 11-5-1987
and appointment of the applicant on compensation grounds.

(c). It is further submitted that a railway employee is
entitled for Encashment of 240 day of L.I.P. at his credit
at the time of his retirement but her father had no such
leave for encashment on account of already consumation of
his leave for the reasons of serious ailment in the recent
past service periods.

(d). It is further made clear that after his medical
decategorisation on 11-5-1987, her father was not absorbed
in medical category C-2 nor any post was available for his
absorption in medical category C-2 on equal emoluments of
Guard.

(e). It is further made clear that the father of the
applicant was not paid salary or leave salary for the period
from 29-5-1987 to 31-7-1987.

contd-1

Aparna Gaur

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(f). It is therefore squarely proved that the father of the applicant was entitled for his retirement from 19-5-1987 and the applicant was entitled for appointment on compassionate ground.

1. (ii) That the contents of para 4. (ix) of the C.R. are not admitted as stated and the contents of para 4. (ix) of O.A. are re-iterated. It is further made clear that the father of the applicant was not offered any post for his absorption in medical category C-2 nor there was any post available for his absorption on equal emoluments of Guard in medical category C-2 nor he was paid salary or leave salary for the period from 29-5-1987 to 31-7-1987. Hence his retirement on 31-7-1987 is unjust, illegal, void and inoperative.

1. (x). That the contents of para 4. (x) of C.R. are denied as stated and contents of para 4. (x) of O.A. are re-iterated. Further comments have already been made in para 4. (viii) of this rejoinder.

4. (ix). That the contents of para 4. (xi) of C.R. are not admitted as stated and contents of para 4. (xi) of O.A. are re-iterated. It is further submitted that under section VII of letter dated 25-1-1983 contained in ANNEXURE-2 to C.R. the authority for appointment on compassionate ground is the General Manager who failed to exercise his jurisdiction. The Railway Board exercised jurisdiction not vested in it illegally. The recommendations by the General Manager to Railway Board ^{is self explanatory} show that the considered opinion of the General Manager is in favour of the applicant for appointment of the applicant on compassionate ground. Therefore the contents of G.M. (P) letter dated 22-11-1988 read with Railway Board letter dated 7-10-1988 contained in ANNEXURE 1-1 to C.R. are unjust, illegal void and inoperative and the applicant is entitled for her appointment on compassionate ground.

contd-5

Aparna Gaur

4. (xii). That the contents of para 4. (xii) of the C.R. are not admitted and re-iterated of O.A.

4. (xiii). That the contents of para 4 (xiii) of C.R. are not admitted and contents of para 4. (xiii) of O.A. are re-iterated. It is further submitted that the applicant is entitled for appointment on compassionate ground under the provisions of letter dated 25-4-1985 and March, 1986 contained in ANNEXURES-2 to C.R. and A-8 to O.A. respectively.

4. (xiv). That the contents of para 4 (xiv) of C.R. are denied and the contents of para 4 (xiv) of O.A. are re-iterated. It is further submitted that a copy of letter dated 11-2-1988 to the Railway Board was duplicated to the General Manager. This assertion has been made in para 4 of applicant supporting the application for condonation of delay in filing the O.A. which has not been rebutted by any counter affidavit on behalf of the respondent No.1 and 2.

4. (xv). That the contents of para 4 (xv) of C.R. are not admitted as stated and contents of para 4 (xv) of O.A. are re-iterated. It is further submitted that the rules referred to have been misinterpreted under the provisions of letter dated dated 25-4-1985 and March, 1986 contained in Annexure-2 of C.R. and A-8 to O.A. respectively the applicant is entitled for her appointment on compassionate ground.

4. (xvi). That the contents of para 4 (xvi) of C.R. need no comments.

4. (xvii). That the contents of para 4 (xvii) of C.R. are not admitted and contents of para 4 (xvii) of O.A. are re-iterated.

5. That the contents of para 5 of C.R. are not admitted and contents of para 5 of O.A. are re-iterated.

contd-6

Aparna Gaur

6. That the contents of para 6 of C.R. are not admitted and contents of para 6 of O.A. and para 4(xiv) of rejoinder are re-iterated.

7. That the contents of para 7 of C.R. need no comments.

8. That the contents of para 8 of C.R. are not admitted and contents of para 8 of O.A. are re-iterated.

9. The contents of para 9 of C.R. need no comments.

10. The contents of 10 of C.R. need no comments.

11. The contents of para 11 of C.R. need no comments.

12. The contents of para 12 of C.R. need no comments.

13. The applicant, being out of Lucknow, the filing of Rejoinder in time is delayed which may kindly be condoned.

Lucknow.

Dated: 16-4-1992

Verification.

I, Mr. Aparna Gaur aged about 23 years
D/O Sri P.L. Gaur r/o 28 Ravinder Pally, Faizabad
Road, Lucknow do hereby verify that the contents
of para 1 to 13 of this rejoinder are true to
my personal knowledge and that the material
facts have not been suppressed.

Lucknow

Dated: 16-4-1992

Aparna Gaur
Applicant.

1st copy to the file

In the Central Administrative Tribunal Lucknow.

ASX

M.P. No. 418 of 1991
IN

O.A. No. 399 of 90(I)

In the matter of

Km. Aparna Gaur Applicant

versus

Union of India and others. Respondents

Fixed for 25-7-1991

Application for listing of O.A. No. 399 of 90(I) and
O.A. No. 253 of 90(I) together for adjudication.

f.f. 6.8.91

It is most humbly submitted as under :-

1. That the O.A. No. 399 of 90(I) is for appointment of the applicant on compassionate ground fixed for filing reply on 25-7-1991 by extended time.
2. That the father of the applicant Sri Parv Lal Gaur has filed a O.A. No. 253 of 90(I) in which the appointment of the applicant Km. Aparna Gaur on compassionate ground is also one of the matter for adjudication. The O.A. is fixed for 6-8-1990 for filing the reply by extended time.
3. That on account of delay in the adjudication of the two applications, the applicants are suffering irreparable losses.

Prayer

Therefore it is prayed that the Hon'ble Tribunal may be pleased to list the O.A. No. 399(I) of 90(I) and O.A. No. 253 of 90(I) together for adjudication at an early date.

Lucknow

Dated: 25-7-1991

Aparna Gaur
(Km. Aparna Gaur)

Applicant.

Fee
for
court
for
Appeal

1st copy for the Lead -

In the Central Administrative Tribunal Lucknow.

U. S. N. R. 399 or 50 (I)

A. 58.

In the matter of

Km. Apara Gaur Applicant
Virsus

Union of India and others. Respondents

Fixed for 25-7-1991

Reply on behalf of Respondent Nos. 3 & 4 are as under:-

1. Para 1 of the application is admitted.
2. Para 2 of the application is admitted.
3. Para 3 of the application is admitted.
4. Paras 4(i) to 4(xvii) of the application are admitted.
5. Para 5 of the application is admitted.
6. Para 6 of the application is admitted.
7. Para 7 of the application is admitted.
8. Para 8 of the application is admitted.
9. Para 9, 10, 11 and 12 are formal nature, hence need a no reply.

verificatiⁿ

We the undersigned Respondents No. 3 and 4 do hereby verify ~~is~~ that the contents of paras 1 to 9 of the reply are true on legal advice received and believed by us true. No material fact has been suppressed.

Osaw

Tuckernuck:

Tucknow:
Dated: 25-6-1991

1. (Pyare Lal Gaur)
S/o Sri Gur Pd. - Gaur,
R/o 78, Ravindra Palli,
Faizabad Road, Lucknow.

Respondent No. 3.

Archana Gaur

2. (Km. Archana Gaur)
D/o Sri Pyare Lal Gaur,
B/o 78, Ravindra Palli,
Faizabad Road, Lucknow.

Respondent No. 4.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW AS

O A NO. 399 OF 1991 (L)

Kin AParna Gaur

APPLICANT

VS

UNION OF INDIA + 3 OTHERS

RESPONDENT

FIXED FOR 25/7/1991

LETTER OF AUTHORISATION OF AGENT

WE THE UNDERSIGNED RESPONDENTS NO: 3 & 4
AUTHORISE SRI BANSRAJ YADAVA R/o C-322 INDIRANAGAR
LUCKNOW IN THE ABOVE O A NO 399 OF 1991 (L)
TO ACT AS AGENT. HIS CONSENT IS GIVEN BELOW:-

LUCKNOW-

DATED. 25TH JULY 1991

Gaur
1. (PYARE LAL GAUR)
RESPONDENT NO 3

Archana Gaur
2. (Kin ARCHANA GAUR)
RESPONDENT NO 4

I AGREE TO ACT AS AGENT IN THE ABOVE O.A
NO 399 OF 90(L) FOR RESPONDENT NO: 3 & 4.

Bansraj Yadave
(BANSRAJ YADAVA) 25/7/1991
R/o C-322 INDIRANAGAR
LUCKNOW

in the Central Administrative Tribunal Lucknow (27)

Criminal Application No 91553

ब अदालत अधीकार

[वादी अधीकार]

श्री

प्रतिवादी [रेस्पांडेंट]

महोदय

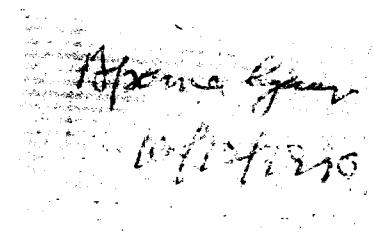
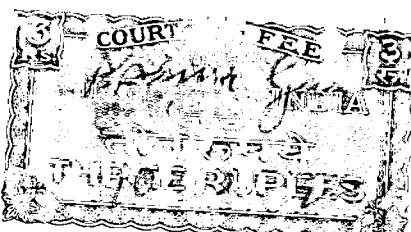
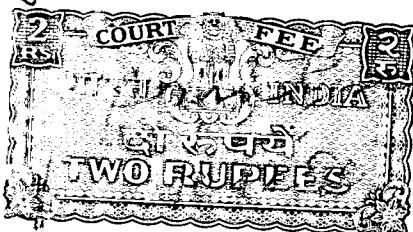
का वकालतनामा १८०

Aparna Gaur

Lawyer in India

Advocate

London



बनाम

नं० मुकदमा

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पेशी की ता०

१६ ई०

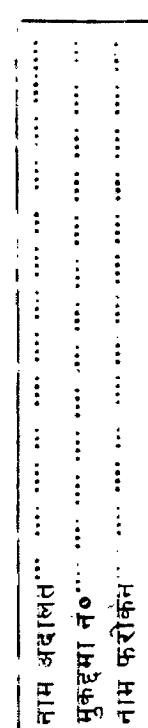
अपर लिखे मुकदमा में अपनी ओर से श्री

5,2,4 Bazar Court, London

वकील

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अंथवा अन्य वकील द्वारा जो कुछ दैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लख करें या सुलहनामा व इकबाल दादा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखल करें और तसदीक करे मुकदमा उठावे या कोई रुपया दमा करे या हारी विषयो (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं द्वा किसी अपने पैरोकार को भेजता रहूंगा प्रगर मुकदमा अदम पंरवी में एक तरफ मेरे खिलाफ कैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर Aparna Gaur

साक्षी (गवाह) ...

दिनांक ...

महीना — — १९९० — सन् १६ ई०

स्वीकृत

VAKALATNAMA

Before The Central Administrative Tribunal Circuit Bench Lucknow
in the Court of CA No. 399/90(L)

Plaintiff Plaintiff *Kumari Harsana Jana* Claimant
Defendant Appellant

Defendant *Union of India and others* Petitioner
Plaintiff Respondent

The President of India do hereby appoint and authorise Shri *B.K. Shukla*

Railway Advocate Lucknow

..... to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit money; and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Plader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri *B.K. Shukla*

Railway Advocate Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the day of 1988.

Dated 1988

SLR-84850400-8000-4784

Accepted by
Advocate (S. M. N. Ishaq)
Designation of the Executive Officer,
रेलवे विभाग कानूनी विभाग,
प्रोटोकॉल विभाग, लखनऊ
For Union of India
(C.P.W.I.)

VAKALATNAMA

Before Central Administrative Tribunal Circuit Bench (Lucknow)
In the Court of

AC2

OA No. 399 of 1980 (L)

Kumari Akanya ... versus

Versus

..... Union of India and others

I/We K. P. Singh Civil Railway Manager

..... North Eastern Railway, Lucknow

do hereby appoint and authorise Shri B.K. Shukla

Railway Advocate Lucknow to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Application/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri B.K. Shukla

..... Railway Advocate, Lucknow

..... in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this

..... day of 198

Accepted
B.K. Shukla Counter 1/4
Advocate (K. P. Singh)

(O.P.W.S.)

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 253/9 of 20/9/0

Reyes del Grado.....Applicant(S)

Versus

U.O. 9.....Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	Check list	1 to 2
2	Order sheet	3 to 4
3	Judgment or No 399/90 in 2.	
4	Petition copy	5 to 27
5	Power	28 to 30
6	Counter	31 to 39
7	Rejoinder	40 to 44

Certified that the file is complete in all respects

B.C. file weeded and destroy
Signature of S.O. 1/1/12F. 14/6/12
Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
ORAL BENCH, LUCKNOW

Case No. 918/90
Date of 21/12/90
Deputy Regd. No. 713

to description No. 355 of 1989 Q.C.L.

APPLICANT(S), Rajendra Kumar

RESPONDENT(S), Government of N.E.H.

Particulars to be examined.

Endorsement as to result of examination

1.	Is the appeal complete ?	yes
2.	a) Is the application in the prescribed form ?	yes
	b) Is the application in paper back form ?	yes
	c) Have six complete sets of the application been filed ?	yes
3.	a) Is the appeal in time ?	yes
	b) If not, by how many days it is beyond time ?	8 days
	c) Has sufficient cause for not making the application in time, been filed ?	yes
4.	Has the document of authorisation/ Vakalatnama been filed ?	yes
5.	Is the application accompanied by S.C./Postal Order for Rs.50/-	yes
6.	Has the certified copy/copies of the order(s) against which the application is made been filed ?	yes
7.	a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ?	yes
	b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
	c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8.	Has the index of documents been filed and paging done properly ?	yes
9.	Have the chronological details of representation made and the date of each representation been indicated in the application ?	yes
10.	Is the matter raised in the application pending before any court of law or any other Bench of Tribunal ?	yes

Particulars to be Examined Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *yes*

12. Are four copies of the application with annexures filed ? *yes*

a) Identical with the Original ? *yes*

b) Defective ? *no*

c) Boring in Annexures

13. Are pages Nos ?

14. Have the file size envelopes bearing full addresses of the respondents been filed ? *yes*

15. Are the given address the registered address ? *yes*

16. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

17. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *yes*

18. Are the facts of the case mentioned in item no. 6 of the application ? *yes*

a) Concise ? *yes*

b) Under distinct heads ? *yes*

c) Numbered consecutively ? *yes*

d) Typed in double space on one side of the paper ? *yes*

19. Whether all the remedies have been exhausted. *yes*

discrepC.M.
9/10/94

253/90 (1)

(Pis)

26.10.90

No setting Adi to 26.10.90

(2)

26.10.90

No setting Adi to 26.10.90

(2)

26.10.90

Hon. Mr. M. V. Bhalkar. A.M.
Hon. Mr. D. K. Agrawal. J.M.

Due to resolution of Bar Association
case is adjourned to 7.11.90.

7.11.90

Hon Mr M. V. Bhalkar, A.M.
Hon Mr D. K. Agrawal, J.M.

Shri Mohan Tyas to application. B.O.C.

We have heard the learned
counsel for the applicant. We have
carefully considered the point raised
on 10.10.90 we are of the opinion
that this claim petition may be
admitted only in respect of applicant
No. 1 & accordingly we ADMIT
the petition. Counsel may file
within 4 weeks, rejoinder within
2 weeks thereafter. High for 20 days
on 11.11.90.

The applicant No. 2 may file
a separate petition for relief & appointment
on compassionate grounds.

D.C.

J.M.

A.M.

(S.M.)

O.A. 253/90

6.8.91
D.R.

Both the parties
are present. Counter
has not been filed
O.P. to file counter
by 29/10/91.

29.10.91
D.R.

Both the parties are
present. Respondent
to file counter by
6/12/91. A(M.P) 662/91
has been filed on behalf
of applicant for
permission to file
additional documents.
Case is listed for
disposal of M.P.

6.12.91

No Siting adj. to 8.1.92

on 6/12/91.

8.1.92

No Siting adj. to 6.2.92

6.2.92

No Siting adj. to 16.3.92

8

(R)

Application under Section 19 of the Administrative
Tribunal Act 1985.

q/sd

7/1
10/10/1990
10/10/1990

Ryan Lal Gaur & others

... Applicants

VISUS

Union of India & others.

... Respondents

I W D L X

<u>S. No.</u>	<u>Description of documents.</u>	<u>Pages</u>
---------------	----------------------------------	--------------

Compilation No. 1.

1.	Application.	1 - 8
2.	Annexure 1-1 Service Certificate dt. 31-7-87	9 - -
3.	Annexure 1-2 Letter dated 29-11-88	10 - -

Compilation No. 2.

4.	Annexure 4-3 Memo dated 1-11-86.	11 - -
5.	Annexure 4-4 Certificate dated 6-11-86.	12 - 12A
6.	Annexure 4-5 Certificate dated 3-3-87	13 - -
7.	Annexure 4-6 Certificate dated 13-3-87	14 - -
8.	Annexure 4-7 Application dated 15-5-87	15 - -
9.	Annexure 4-8 Application dated 13-10-87	16 - 18
10.	Annexure 4-9 Application dated 11-2-89	19 - 21
11.	Vakalatnama	22 - -
12.	Letter dt. 10-10-1990	23

not for
posting
9/10/90

dated
10/10/90

Sign
9/10/90

lucknow:

Dated: 8 -8-1990

P. L. Gaur

Applicant

really
Anil

(RO)

Regd. No. 253/90 (U)

For/ Registrar

In the Central Administrative Tribunal, Lucknow.

1. Pyari Lal Gaur aged 61 years s/o Sri Gur Prasad Gaur
B/o Ravindra Palli, Faizabad road, retired from the
post of Guard 'A' under Divisional Railway Manager
(Operating), W.T. Railway, Ishak Marg, Lucknow.
2. Km. Arpana Gaur aged 22 years D/o Sri Pyari Lal Gaur,
B/o 73, Ravindra Palli, Faizabad Road, Lucknow.

... applicant

WITNESSES

1. Union of India through General Manager, W.T. Railway, Gorakhpur.
2. Divisional Railway Manager (P), W.T. Rly., Lucknow.
3. General Manager (P), W.T. Railway, Gorakhpur.

... Respondents

Details of Application.

1. Particulars of orders against which application is made:-

(i) Divisional Railway Manager (P) Lucknow No. 20251
dated 31-7-87 regarding Service Certificate.

Annexure 1-1

(ii) Divisional Railway Manager (P) Lucknow Letter No.
7/1/227/Compassionate/Class III/237 dated 29-11-1988
and General Manager (P) Gorakhpur Letter No. 7/239/
212/Class III/Lucknow dated 22-11-1988 regarding
appointment on compassionate ground.

P. L. Gaur
Arpana Gaur

Annexure 1-2

Contd. . . . (2)

42

2. Jurisdiction of Tribunal.

The applicant declares that the subject matter of the order is against which he wants redressal is within the jurisdiction of Tribunal.

3. Limitation.

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act 1985.

4. Facts of the case.

(i) That the applicant No. 1 was appointed on Railway on 8th December 1950. He was born on 6th July 1929 and his normal retirement was due on 31st July 1987. At the end of his service, the applicant was on the post of Guard '1'. The applicant No. 2 is daughter of the applicant No. 1.

(ii) That the Railway servants are classified in seven Medical Categories viz. A-1, A-2, A-3, B-1, B-2, C-1 and C-2. The Category A-1 is highest and C-2 is lowest Medical Category. The middle ones are lower in status.

(iii) That the applicant No. 1 was in Medical Category A-2 for Guard '1'. In this category the Railway servants are periodically medically re-examined once in each year after attaining the age of 45 years. Special Medical examinations are conducted at any time when urgency arises in the case of Safety Category. The post of Guard '1' is of Safety category.

P.L.Gaur
AparnaGaur

Contd. . . . (2)

(iv) That the Applicant No. 1 met an accident on duty while he was working 210 on train between Lucknow and Kanpur Anwarganj station on 1-11-1986. Some miscreants caused injuries on the head of the Applicant No. 1 by throwing stones at garami station. The said injuries, although treated in the Railway Hospital, but incapacitated him for further duty and for normal life in future on account of adverse affects in the brain nerves.

(v) That the Station Supdt. Lucknow vide his Memo dated 1-11-86 sent the Applicant No. 1 to D.M.O./ISH at IJN for treatment of his head injuries. Also F.I.R was lodged with G.R.P./Lucknow as Crime No.828/86. The Applicant No. 1 was sent to N.H.Y. Hospital at Lucknow for expert treatment. The applicant was declared fit for duty on 3-3-1987. Annexure A-3, A-4 and A-5 are true copies of Medical Memos and Fit Certificate.

(vi) That although the applicant was given Fit Certificate on 3-3-1987 contained in Annexure A-5, he was unable to perform the duties of Guard 'A'. So he was sent for Special Medical Examination on 9-3-87. Accordingly the Applicant No. 1 was medically decategorised from A-2 to C-2 on 13-3-1987. Annexure 1-6 is true copy of his Medical Certificate for decategorisation.

(vii) That it is open to the medically decategorised staff either to accept alternative employment on equivalent post having equal emolument or to accept retirement. There was no possibility of suitable alternative employment hence the applicant No. 1

P. L. Jain
Aparna Jain

Contd. . . . (2)

chosn to accept retirement. Accordingly the Applicant No. 1 moved an application for refusal for alternative employment and to accept retirement on 15-5-87. Annexure A-7 is true copy of the said application.

(viii) That the application dated 15-5-87 contained in Annexure A-7 was not acted upon in time and ⁱⁿ bad faith and the Applicant No. 1 was forced to retire on 31-7-87 in the normal course. His retirement on 31-7-87 is unjust, illegal, void and inoperative and the Applicant No. 1 is deemed to have been retired on 15-5-87 on the basis of his application contained in Annexure 1-7. Accordingly the applicant No. 1 is entitled for payment of a mass of pension from 15-5-87 to 25-7-87 and leave for any already passed may be adjusted in accordance with the terms of retirement.

(ix) That statutory provision exists for payment of compensation for incapacitation on account of accident on duty. But no such compensation has been paid to the Applicant No. 1 who is entitled for the compensation amounting to Rupees One Lakh or any lesser amount deemed just and proper.

(x) That further statutory provision exists for appointment of son/daughter of Railway servant who while in Railway service, is medically declassified and who accept retirement. Special consideration is given for incapacitation on account of accidents on duty. Such appointments are called "Appointment on compassionate grounds."

(xi) That the wife of the Applicant No. 1 died just after his retirement. He has only two unmarried daughters. The daughters are the help of the applicant in his old age. His older daughter is Mrs. Arpana Gaur

P. L. Hamm
Aparna Gaur

Cont'd. (5)

aged 22 years the Applicant No. 2 who has the following educational qualification.

- (i) Passed Matriculation Examination in the year 1985 in ~~2~~ 1st. Division.
- (ii) Passed Intermediate Examination in the year 1987 in IIInd. Division.
- (iii) Appeared at B.A. Pt. III Final Examination in the year 1990.

(xiv) That Applicant No. 1 moved an application to the General Manager, Gorakhpur on 13-10-87 contained in Annexure A-8 praying therein for appointment of his daughter aforesaid Applicant No. 2 on compassionate ground. In reply contained in Annexure A-2, it is stated that the appointment on compassionate ground is not possible. The said reply is discriminatory and violative of Article 14 and 16 of Constitution of India. As such it is unjust, illegal, void and liable to be set aside.

(xv) That on receipt of reply contained in Annexure A-2, the Applicant No. 2 moved an application to the Railway Minister, New Delhi on 11-2-89 for her appointment on compassionate ground. But no reply has been received as yet. Annexure A-9 is true copy of the said application.

(xvi) That the Applicant No. 2 is legally entitled for her appointment on compassionate ground and ^{on} expiry of six months after filing the application before the Railway Board, ^{Minister} this application is made before the Honourable Tribunal.

P. L. Gaur
Aparna Gaur

Contd. (6)

5. Grounds of reliefs with legal provision.

That on the basis of facts mentioned in Para 1 of the application, the applicants are entitled for the relief on the followings amongst other grounds:-

- (a) because the statutory provision exists for retirement on account of medical categorisation if alternative employment is refused.
- (b) because the statutory provision for appointment on compassionate ground is violated.
- (c) because non-appointment of applicant No. 2 on compassionate grounds is a discrimination and violative of Article 14 and 16 of Constitution of India.
- (d) because the impugned order dated 31-7-87 and 29-11-1988 contained in Annexure A-1 and A-2 are unjust, illegal, void and liable to be set aside.
- (e) because the Applicant No. 2 is entitled for her appointment on compassionate ground.
- (f) because the applicant was medically categorised and incapacitated on account of accident on duty.
- (g) because the compensation for incapitation on account of accident on duty has been denied.

6. Details of remedies exhausted.

The applicant declared that he had availed of all the remedies available to him under the relevant Service Rules etc. viz.

- (i) Representation dated 13-10-1987 to the General Manager, Gorakhpur.

Annexure A-3.

P.L.Gaur
Aparna Jain

Contd. (7)

(ii) Representation dated 11-2-89 to the Railway Minister, New Delhi and copy to General Manager, Gorakhpur. Annexure 4-9.

7. Matters not previously filed or pending with any court.
The applicant further declares that he had not previously filed any application, Writ Petition or suit regarding the matters in respect of this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. Relief(s) sought.

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs for :-

(a) Declaring that the applicant No. 1 is deemed to have been retired on 15-5-87 on account of medical deconditioning and incapacitation in accident on duty. Accordingly his retirement on 31-7-87 contained in Annexure 1-1 is deemed to have been ~~been correct~~ ^{later place on} ~~on~~ ^{on} 15-5-87 and payment of arrears of ~~15-5-87 to 31-7-87~~ ^{15-5-87 to 31-7-87} pension from 15-5-87 to 31-7-87 may be paid.

(b) Declaring that the applicant No. 2 is entitled for his appointment on Class III post on compassionate ground and the impugned orders dated 22-11-88 and 29-11-88 contained in Annexure 1-2 are unjust, illegal, void and be set aside.

(c) Directing the respondents for making appointment of applicant No. 2 on Class III post on compassionate ground.

(d) Directing the respondents for making payment to *P.L.Gaur* *Aparna Gaur* applicant No. 1 amounting to ~~any~~ ^{any} as One Lakh or any

8/3

lesser amount claim just and proper on account of
incapacitation an accident on duty.

(e) any other relief claim just and proper in the
circumstances of the case.

(f) cost of the application.

9. Interim order if any prayed for - Nothing

10. ~~Amount~~ ~~not applicable~~.

11. Particulars of Postal Order filled in respect of
the application are -

(i) No. of Indian Postal Order. 02- 414751

(ii) Name of Issuing Post Office. High Court Lucknow

(iii) Date of Issue of Postal Order. 8-8-1990

(iv) Post Office at which payable.

12. List of enclosures.

is per given details in the Index of the application.

1. P. L. Gaur

Tucknow.

2. Aparna Gaur

Date: 8-8-1990

Applicant

Verification

Prakash Gaur
Aparna

I, Prakash Gaur S/o Sri Gur Rd. Gaur aged 61 years
applicant No.1 retired from the post of Guard '1' from the
office of Divisional Railway Manager (Operating), W. R. Rly.,
Ishok Marg, Tucknow B/n 78, Ravindra Pali, Faizabad Road,
Tucknow do hereby verify that the contents of paras 1 to 5
are true to my personal knowledge and para 6 to 12 to be true
on legal advice and that I have not concealed any material
fact.

Tucknow:

Date: 8-8-1990

P. L. Gaur

Applicant

11.

ग्राम आरो दोल जन्म 1620
SKC-R 1620ग्राम जी. 49 (भूमित)
N.E.-G. 49 (Revised)
ग्राम जी. 9
RB-GC-9

पूर्वोत्तर रेलवे

N. E. RAILWAY

30251

सेवा-प्रमाण-प्रत्य
SERVICE CERTIFICATE

..... D.R.M.(P)/K.J.N. जारी करने वाला कार्यालय

Issuing Office.

अम नं. 31-7-87 जारी करने की तिथि
Serial No. Date of issue

- नाम Sri. P. K. Gaur :
- Name
- जिता का नाम Sri. Gaur. P. Gaur :
- (i) Father's name : Hindu :
- (ii) Caste :
- जन्म-तिथि (शब्दों में) 6th July Nineteen Twenty two
Date of birth (in words)
- पहचान के चिन्ह (यदि कोई हो) :
- Identification marks (if any)
- किस विभाग में नियुक्त है : ट्रेन हिंदू
Department in which employed
- सेवा की अवधि 8/12/50 से 31-7-87 तक
Period of service - From to
- नोकरी छोड़ते समय नियुक्त पद पर काम करते थे Grand A..
Appointment when leaving service
- नोकरी छोड़ते समय वेतन-दर 1720/-
Rate of pay on leaving service
- नोकरी छोड़ने के कारण

Superannuation

- समय-सालन Time keeping :
- Satisfactory

कर्मचारी के हस्ताक्षर
Employee's signature
or Thum's print.

W.C

ठुरे पंडित पूर्वोत्तर पुरवन्धक निदेशक

पूर्वोत्तर रेलवे, लखनऊ

Designation

True Copy
attestedReally
A. D. M.

P. K. Gaur

85

23

Regd

जरुरी परं दस्तावेज़ यहाँ परि
Use both sides if required.

पश्चिम रेलवे
N. E. RAILWAYS

संख्या (No.) ११/२२७/अनुकस्पा/तृष्णे/ २३७ दिनांक (Date) २९-११-४८
 प्रेषक (From) मंडल रेल प्रबन्धक
 (का.व) लोखनऊ
 विषय (Sub.) अनुकस्पा के आधार पर
 संदर्भ (Ref.) नियुक्ति हेतु प्राप्तिनापक
 अधिकारी का दस्तावेज़ देखने का लिए विचार नं. ६४/ए
 लोखनऊ, लोखनऊ

संदर्भ: अनुक्ति (का.व) गोरखपुर का
 पत्रांक ११/२३७/२१२/तृष्णे/
 लोखनऊ पांच दिन २२-११-४८

उपरोक्त विषय में स्वीकृत किया जाता है कि उपरोक्त संदर्भित पत्र के अनुसार आपको अनुकस्पा के आधार पर नियुक्ति विचार कर पाना अवश्यक है।

Recd on 24/11/48

हेतु मंडल रेल प्रबन्धक
(का.व) लोखनऊ

True copy
attested

Rechecked
A. Mehta

P. H. Gaur

५० ३०-८८० टी० ।
N.E.R. ।

Class	1 st AC	Pass Code	23/40	No. II.	Div. M	First Date	1/1/86
To From	Lgn.	गारा गारा करा Checked by			(गारा मुहर Office Stamp)		

D.M.O/ASH at Lgn.

Shri P. L. Gaur Guard no. 00000000
210 no. of class has Sustained serious
injury in his head at D.R.H. He is
is coming by 210 as expected at
23/50 hrs. Please attend

CCD. FROM	को सेवा करा/SENT करा/AT टार्म्ब्य	दर्शक के लिए टार्म्ब्य				
						D.M.O/ASH

Is this telegram necessary? If no, make it short

NORTH EASTERN RAILWAY

इस संदेश को जारी करने वाले व्यक्ति को
Copy forward किया जाएगा।

True Copy
attested

Really
A. Deeksh

P. L. Gaur

Annexure A4

FIR lodged with
GR. C & NO 828/कानूनी रेलवे
N. E. RAILWAY कानूनी

पू. उ०—ज० १६६
R. E.—G. 166

सेा मे
To

DMO

To निकिता अधिकारी

MEDICAL OFFICER

A. H.

पू. उ०—ज० १६६

North Eastern Railway

मिलिंसिवित धारूत व्यक्ति को डाक्टरी परीक्षा और रिपोर्ट के लिए भेजा जा रहा है। कृपया इस सम्बन्ध में शीघ्र कार्यवाही करें।

The following case of injury sent for Medical examination and report. Please arrange early compliance.

हस्ताक्षर
Signature

पद
Designation

गुप्तना की तिथि एवं स्थान विवर उमर, धरि उत्तर द्वा Date & place of accident and age of person.	धारूत व्यक्ति का नाम Name of person injured.	धारूत व्यक्ति का पता Address of injured person.	भोट की किसम-एवं कारण Nature and cause of injury.	धस्मदीप धारूत का नाम Name of eye witness.	सूचना देने वाले व्यक्ति के संग्रहीत का निशान प्रथम हस्ताक्षर Thumb impression or signature of person giving information
11/1/86	P.L. Grewal	1/1/86	Head injury	white bandage 210 DM at 11/1/86 at between 4 & 5 P.M.	Atmitta in A.Rly F 11/1/86

P TO

True copy
arrested

Mcallyan
A.L.

P. L. Grewal

जांच की गई और उसका परिणाम नीचे दिया जाता है :—
Case examined report of result appended below :—

समय.....	Time.....	तिथि.....	Dated.....
पोटों का विवरण Details of injuries.	पर्याप्त यह बात ए कारण से संभव है। Whether possible by the cause stated.	चोट सगाने वाले जांच के तिथि के बीच का अनुमानित अन्तर Probable period elapsing between the time of injury and the time of examination.	पोट सगाने का समय-अनुमानित प्रभाव Probable effects of time injury.

Semi Lumen
wound about
5.5 cm RT side
of body—

Can't be
ascertained.
No cause has
been stated.

Within
few hours

Cannot be
ascertained at
present. Patient
transferred to
N.R. immediately
by Ambulance.

तिथि.....

Date..... 11.12.83 V.L. उत्तराधार

Signature

प्रतिसिफि जिसा विविता मधिकारी.....
Copy to District Medical Officer

SIER-83840436-30,000-17 12 83

पद
Designation

D.M.O.

True copy
attested
Really you
already

P.L. Gaurav

UNFU Age-two
FJee-two ~~W.K.E.~~ Railway For NV/ E-M-2 A
+2.50 N. E. M-2 A
+2.50 N. E. M-2 A

MEDICAL DEPARTMENT
CERTIFICATE-PHYSICAL FITNESS OF EMPLOYEE

(Certificate to be used when an employee is re-examined during service)

Hospital/Dispensary..... A.S.H.

No. P.A. 76-786-69

SR.P.L. Gaur 6-2-29

I do hereby certify that I have examined (name).....
an employee serving as (designation)..... Gaur (class) A/2 in the..... OP CP

branch department, at (place where employed)..... LST, who presented himself before me for—

✓ Periodical re-examination

✓ Re-examination prior to promotion to class..... as (designation).....

✓ Periodical re-examination

✓ Re-examination for reconsideration of previous adverse report,

and whose signature, thumb impression has been appended below in my presence.

I consider him fit for service in class..... C2 with glasses for Gaur
R.E. +2.0 S.H. +0.5 ey. Signature of R.L. Medical Officer

OP CP Seal 18-05-81-1-50 ey. Signature of R.L. Medical Officer

Date 13-3-81 1971/5782 Designation. LST

If unfit for service in the class for which examined, state next lower class in which he is fit

✓ Black spot RT-side of nose

Marks of identification

Signature

✓ Cut marks below knee N Left leg 10 Books - 13 + 8

Thumb impression of.....

Gaur

True copy
attested

Reilly
Attest

P. V. Gaur

ANU

Sup:- Appointment of my daughter on Compassionate ground on being medically declassified due to seriously injured on duty and my refusal for accepting any alternative job.

Sir,

With profound respect I would like to encroach upon only your precious time to have a glance on request by which rebirth can be given to a ruined family with legality. The few facts are as under:-

1. I was working at Head quarter L.J.N. in 'A' grade Guard Category while working 210 Dn Ex CPA-L.J.N on 1.11.86. I was badly hurt by stone bating by some miscreant at H.R.N while exchanging alright signal with the driver and got sever injury on my head immediately I became unconscious and felt down on the floor in the SLR.

2. I had heard later on when I resumed normal sense that DMO/ASH, RS/NR, NE, DRW/NE & NR, ADRM/NE, senior DOS, SOSO, AOS(G) and AOS(c) of NE Rly Lucknow attended me immediately in the morning of fatal night. They all had taken special care and attention to save my life. My condition was so serious due to excess bleeding right from the place of accident to the hospital. I was narrowly escaped from the jaw of death.

3. I was remained hospitalised under the treatment of DMO/NR for 15 days, there after I was directed to DMO/ASH for further treatment, where I had to remain for further treatment upto 2.3.87. Though I was not feeling well and sound to perform my duties, but on the full assurance of DMO/ASH, I accepted to go on duty with the fit certificate issued by him. I was booked first train 57 UP Ex L.J.N CPA on 8.8.87 and returned back train 58 ON EX CPA- L.J.N according to schedule link diagram. I felt most anguished and puzzled with my head and brain and found myself completely unable to perform my

R.L.Govt

Contd....2

संवाद

श्री गांग गांडिल रेल निवायक (कांगमिल)

प्रबोधन देवल, ६, कांगमिल गांग,
(गांडिल)

प्राप्तिक्रिया:- रेलवे डाक्टर द्वारा द-२ दे ३१-८-८७ रव्वे
सी-२ में फिल्टर होने के प्राप्तालंबण में इन
आना पढ़ पर कार्य कुरते गे आना यूनि
ग्रेंडप्र

प्राप्ति उपरोक्त संवाद में निम्न निवेदन करना चाहता है

- १) श्री गांग गांडिल जो पर गाई 'ए' पढ़ पर कार्य कर रहा था उन्हें
गांडिल गांडिल के लाला दिनांक ११-५-८७ का द-२ दे अनुमित
साक्षर राज्य उचित उद्धारण द्वारा द-२ में फिल्टर प्रोसेस
किया गया है।
- २) इस निवायक में अनुमित द्वारा प्राप्त उद्धारण का उपरांत
गांडिल को दे दिया गया। जिसने दो बार प्रियत नाम उत्तर
उपरोक्त दिनांक ११-५-८७ दिनांक १२-५-८७ के
मारेक (कांग) गांडिल को उचित कार्यवाही के लिए गोपनिया
मुद्रित करने का निर्देश दिया।
- ३) उपरोक्त प्राप्ति उपरोक्त द्वारा निर्देशों के उत्तरांत पर ब्राह्मि टिप्पोर्ट
का रहा है तभा अवकाश का द्वारा है के प्राप्ति की गी ११-५-८७
पर कार्य करने हेतु उद्धारण द्वारा है तद्युती और उन्हें यूनि देता है।

आतः उपरोक्त निवेदन करता है कि उन्होंने पापातियो

पर यात्रा देते हुए ब्राह्मि की युनी यूनि गोड गोड है।

गोड गोड के उत्तरांत की यात्रा द्वारा है। जो गोपनिया है। ११-५-८७

दिनांक ११/५/८७

P. L. Gann

P. L. Gann
(प्राप्ति गांडिल)
गांग-गांग, लालंबण, गं.
उत्तरांत, उत्तरांत, गं.

True copy
affixedTrue copy
affixed

three or 4 times. On being compelled under the circumstances, prevailing I was reported sick and requested the authority for special medical examination.

4. I was remained under special medical check up from 9.3.87 to 11.5.87, during this period, I had gone under several type of medical tests and consequently I was declared unfit for category A/2 and fit for category C/2.

5. All the concerning papers regarding my decategorisation were submitted to DRM(P) for further disposal on 12.5.87 duly forwarded by SS/LJN.

6. On 15.5.87 I had submitted my refusal for accepting any alternative job if offered by the administration, knowing the fact that I was going to be retired on 31.7.87. Still then I was informed by the administration to be appeared before the standing committee for the alternative job, which I had already refused on 15.5.87.

7. I would like to mention here a most pathetic event, while I was under treatment on being hurt on duty serving the Rly, my wife became very much perturbed and depressed due to my serious condition. She forgot her all sufferings and pains, resulting her own ailment developed and was detected as cancer in the last stage, who could not service more than 3 days after my retirement and expired on 5.8.87. I would like to mention here again that I lost my life partner only on account of my devotional duty to Railway Administration.

8. I have got two marriageable daughters and no son, studying in B.A.-I. I am finding myself unable to copup their requirements and marriage finance.

Contd...3

P.V. (Signature)

Annexure A-8

ARU

Under the circumstances stated above I request your good self to consider my case and pass orders for appointment of my elder daughter named Kumari Aparna Gaur, whose particulars are attached herewith for your ready reference, please.

Thanking you for the kind action.

Yours faithfully,

Ram

(P. L. Gaur)
Retired Guard 'A'
Lucknow Junction
C/o SS/NE.Rly.
Lucknow Junction,

Dated: 13-10-87

Encl: Papers concerning
to Kumari Aparna Gaur
and other concerning papers
in Nos. ~~1000~~ attached
herewith.

True copy
attested
freely
for me
P. L. Gaur
13/10/87

True copy
attested
freely
for me

P. L. Gaur

ପ୍ରେସ ମ୍ୟୁଲିନ୍

ਮਾਵਕੀਂ ਰੇਤ ਤੇ ਭੀ
ਤਾਂ ਪ੍ਰਿਯ ਤੇ, ਰੇਤ ਰਾਵਕ,
ਅਤੇ ਫੇਲੀ ।

विषय:- पूर्ववर्ती गांड श्री यादे लाल भाई, पूर्वोत्तर रेलवे लाइन्स नॉ ६ अर्डिनेशन रेलवे के लाला फैगी ए-२ में धिक्कितीय प्रमाण-पत्र पर जारी में अदाम होके के फलस्वरूप भाष्टीय उदाहरण परियुक्ति के द्वेष्टा में आधेश एवं ।

ਹਿੰਦੁ:- ਸਿੰਘ ਰੇਤ ਪ੍ਰਬੰਧਾਤੀ ਚੌਥੀ ਲੇਟਕਾ ਦੇ ਪਾਂ ਚੌਥਾ ੫/ 1/227/ ਪ੍ਰਕਾਸ਼ਾ/ ਮੁੱਲ ੩੦/੨੩, ਵਿਧਾਤਾ 29/11/68। ਪੰਜਾਬੀ ਕੁਤਾ ਦੇ ਵਿਲੱਖ ਪ੍ਰਕਾਸ਼ਾ ।

માલવી ય મહોદ્ય=

आप का एकाक उपरोक्त के क्षेत्रों में आफिरा चरों द्वारे
द्विवितिहास तथ्यों को आप के द्वारा विवरणीय प्रस्तुत फरवा यादी है।
इसकी आप के सभी विद्युतों पर विवारोपरावत व्याप की अपेक्षा जरूरी
है।

111 मेरे पिता श्री चारे लाल गाँड़, पुरोत्तर रेलवे में गाँड़ के पक्ष पर मैरियम लाल ५२ में जापेंगा हो । जिबला लालगुर के गाँड़ी लड़ते थम्य विकास । १/११/८६ के लाल के पक्ष पर लालगुर के पर में बोट लाल के लालगुर लाल के अधीन । उन्हें अधिक उपचार में रेल विकासवादी विकासवादी उत्तरी रेलवे लालगुर में उपचार के लिए उत्तरी लालगुर में गाँड़ी लिया गया उल्लंघनी विकास । १/११/८६ से २/३/८७ तक बलती रही । तत्पश्चात ३/३/८७ के शार्य फरवे के लिए विकासके उन्हें अनुमति प्रदान थी । विकास ४/३/८७ के शार्य पर जाके के पश्चात मेरे पिता के यह गहराई लिया कि के अपके शार्य को लही ढंग के बहीं कर पा रहे हैं वर्षों कि उन्हें स्पैट विकास इसी बहीं पक्षलाल तदा उन्हें बहुत एवराहट तदा शारीरिक व्याया की अनुशृति कई तथा विकासी मुख्य उन्होंके विकास ०२ विकास ९/३/८७ को प्रस्तुत कर दिया

121 फिरां 9/3/87 के सूचना को स्टेशन अटीएट लक्षण बंग
पूर्वोत्तर रेलवे की 04M040 ऐराबांध को आवश्यक परीक्षा के लिए तथा
तेजा उपचार के लिए दिया ।

131 ओमोदो पुरीलाल रेलवे एकाबादी छे मेरे पिता ८ विशेष
धिनिता परी, ग्रा में दिवार, ३/३/८७ से ११/५/८७ तक रहा ताराधार
उच्छवी ५-२ के पिंगित अ० २०-५-८ । पापा तरा धी-२ के लिए
आम पाया, विश्व अ० ५८ मासम रह पुराणा भासि । पुरीलाल
के छे दिवार २८/६/८७ । १७/८/८७ लो बासा लाल रहे संचित

अपेक्षित के यस : मेरी आपनी विदेशी एवं एवं विदेशी
प्रतिवेदी के अनेक अधिकारों के बाबत विवेदी :-

13। 19/6/87 મણદિલ રેલ પ્રવાહાનાફાફાનિલું લાંબા હે એ હો 11/227/દીક્ષાસ- 311/ । તેથા દિનાં 14/7/87 કે એ ક્રમાં ડા/ટી/227/દીક્ષાસ- 111/ । કે માટ્યમ હે જીવા 28/6/87 હતી 21/7/87 મો હાંડાત્તાર હેઠું રેટપિંડમ ફોટી કે જીવા ઉપરિશત કોણે કે નિયમાં જીવા હાંડા હન એ હે પિતા કે ગુરુ ગ્રામ ય જલદાદ હે એ હે કોગા હતી એ હતી હે એ હે પિતા એલયે એલાઈએ 68-એ એશાબાફા હે એ હે એ રહ રહે હો જિલ્લે રૂપતાં રૂપટ હું કે જીવા હની જીવા હે એ હે એ હતી ।

161 मेरे नेता मेरे पिता के अस-लियित उद्देश्य, पर्याप्त वर्तमान
मुझे एक छोटा है । 227/उम्मीदा/ १०३०/२७ दिवान् २०/11/88 । 24/1
89 को प्राप्त हुआ है, मैं इस स्थान बहीं लिया जाया है तो फिर ३. अप्रैल
पर लियित के बिना मैं दिवार वर पाला रखना चाहिये वहीं है ।

14। यह रपट हे जि मेरे पिता फै बड़ारी फै वे १/११/०६ दो
सद में पत्तार लम्हे के लाला फैला हुई थी और तो ऐ मेरे पिता बड़ाबद

ऐसे विभिन्न दो पाय उपयार में देखे रहे । जिनका उनके पारी और गल पर दुष्काराशाय एकूणे के फारणा पुरा परियार ८८ सा यथा और दुष्कारी पातवा मेरी माँ को गिती और उनका स्वर्वयास दिला के छेपा जिन्हें ठोके के तीव्र विद्युत काव्य को यथा ।

ଫାରେଟିକ୍ସ:-

उपरोक्त छापी वरिचितातियों एवं तत्त्वों ने आप के अमर फूटी
देवदा-बंश के रहा और उपर्याप्ति फूटे स्पष्ट वरचा धारती है और यह ही
मुख्यित वरचा उद्धित ही है जिसे मेरे गुलाम मेरे पिता जी देवदा उन्हें फोड़
व्यक्ति वहीं उपर्याप्ति याला भेज जो कुर्दा जी जितिया थे आज उन्हें उपरोक्त वरचा
रहे हैं और उन्होंने उपर्याप्ति याला भेज रहा है। धर्मालंग मेहमान है जो तमाय में रेस्टोर
स्पष्ट उपरोक्त वरचा ही मुख्यित होगा जिसका लुप्त फूटे द्वारा विचारित है।

अतः आप के सत्तुरोप विवेद्य करता थाहुंगी जि मेरी सरी बिहुओं पर समयक विवार कर्के के उपरान्त मालवीय आदार पर विता के दुष्टिया के बाला गुरु रेत प्रशासन के अवतर्गत जो मेरे लिए उंचता केवा फा विद्यालय हो, पर विद्युदित के आदेश विनियत कर्के के अवतर्गत दृष्टा हों । वर्तमान में मैं बी ८५०वर्षीय विद्यालय में विषयविद्यालय लेटिकर्स में पढ़ रही हूँ । हम लंबा में उपरे पुरुषित आवेदन पत्रों, प्रजाता पत्रों, वितालियों तथा मेरे विता इवारा पुरुषित आवेदन पत्रों के सात दिन अवसर प्रशासनों जो लोटो-टोट फारी बीमाल छर रही हूँ ।

मूर्ख आदान ही बहीं दिल्लियां हैं कि मेरे प्रार्थना पर आप छुदयता
पूर्ख विद्यार लगते हुए आवश्यक आदेश दिल्ली दूर मेरे परिवार को भाविष्य में
आदेश दाती छिक्काईयों द्वे भवारके ली छुपा फरें ।

દસમાણ,
દિવાં 11-2-89
શુલકાણ :- ડા. રોડ

ग्रामीणी
अपनी गेंडा
कुण्डली गेंडा
पुरी शो प्यारे लाल गेंडा
782वीं गेंडा पत्ती
जावाह गेंडा, गेंडा ।

प्रतिलिपि:- महाप्रबन्धक, पूर्वोत्तर रेलवे मुख्यालय रोडपुर ओ
उपर्योगत छंगी बैलार्बक के साथ आवश्यक भाषेश एवं भार्याही द्वा की तरीकी ।

पुश्टि 100 पैसा गैंडा
श्री राधारेत्तल गैंडा,
जैसल्ली राधा गैंडा
सैनाताप राधा गैंडा ।

P. V. Hamm

True copy
attested

अदालत अधीक्षान

[वादो अपोलान्ट]

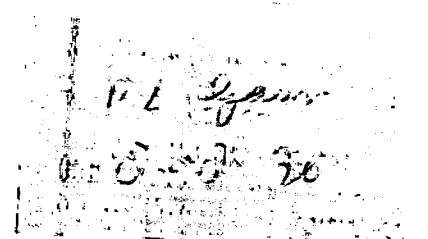
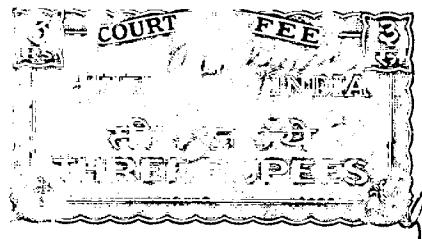
श्री का

प्रतिवादी [रेस्पाइन्ट]

1128

महोदय

वकालतनामा



बनाम

नं० सुकदमा

सन्

पेशी की तां

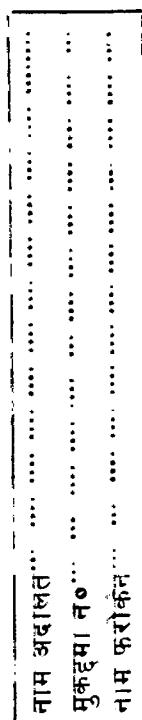
१६ ई०

ऊपर लिखे सुकदमा में अपनी ओर से श्री

वकील

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस सुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे सुकदमा उठावे या कोई रूपया जमा करे या हारी विषक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाहो हमको सर्वथा स्वीकार है और होमा मैं यह मी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर सुकदमा अदम दंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

1. R. L. Gaur

2. Aparna Gaur

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना — — — — सन् १६ ई०

त्वीकृत

VAKALATNAMA

20

Before Central Administrative Tribunal Bench Lucknow
In the Court of

OA No. 253 of 1980 (L)

Pyarey Lal Gaur

Versus

.....Union of India and others.

1/10c. K. P. Singh Div. Rly. Manager.....

North Eastern Railway Lucknow.....

do hereby appoint and authorise Shri. B.K. Shinde.....

Railway Advocate.....*ducknow*.....to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri.....

..... Railway Advocate, lucknow.....
.....in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed by me/us this.....

.....day of.....198.....

.....
.....
.....

(K.P. Singh)

Accepted
JES Shunk
Fiduciary

बकालतनामा

Central Administrative Tribunal, Benr. Lucknow के समक्ष
C.A. No. 253/90 (L) के न्यायालय में

वादी प्रतिवादी	दावेदार ग्रन्थीलार्थी
वादी प्रतिवादी	दावेदार ग्रन्थीलार्थी
वनाम	
Union of India Petitioners B.K. Shukla	
Railway Advocate Lucknow	

भारत के राष्ट्रपति इसके द्वारा विधिवत् वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और धार्म कार्यवाही करने के लिए दस्तावेज़ दाखिल करने और वापस लेने, न्यायालय की आदेशका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रूपगत वापस लेने और उसका निश्चय करने तथा उर्ध्वकार्य वाद/अपील/कार्यवाही में भारत सरकार का साधारण विनियोगित करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आपे कार्यवाही करने की अनुषंगिक सभी बातें करने के लिए नियुक्त और प्राधिकत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस नियुक्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/ग्रन्थीलार्थी/वादी विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिवाद/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिवक्ता करेगा, न एका कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित को जाए और न उससे उद्धृत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, या भागतः परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना विश्वित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल एसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुकूल में श्री R.C. Advocate Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साझ्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को माज तारीख को सम्पूर्ण रूप से विष्पादित किया जाता है।

तारीख 19

NER-84850400-8000 4784

Accept
R.C. Advocate
S.K. Budhlakoti

S.K. Budhlakoti
निष्पादन करने वाले अधिकारी का पदनाम
जे

In the Central Administrative Tribunal, Lucknow.

1000

Application No. of 1990.

VARSHIS

Union of India & others. respondent

Letter of Authorisation of Agent.

we the undersigned the applicants abovesigned
do hereby authorise Sri Bansraj Yadava No G-322,
Indira Nagar, Lucknow as an Agent in this case. This
consent is given below:-

1. P. L. Gann

Tucker on

2. Aparna Rao

Dated: 8 - 8 - 1990

Applicant

I Bansraj Yadava R/o G-522, Indira Nagar,
Lucknow accept to act as an agent in the above case.

Tucker et al.

Date d: 7-8-1990

Benzorg Yadav

(Bansraj Yadava)

Agent

ABJ

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench Lucknow

O.A. No. 253 of 1990

SHRIYARE LAL GAUR & ANOTHER

....

APPLICANTS

VS.

UNION OF INDIA & OTHERS

....

RESPONDENTS

COUNTER REPLY ON BEHALF OF THE OPPOSITE PARTIES.

I, S M N Islam aged about 35 years son
of Sri S M Owais working as Sr Civil Personnel Officer
in the North Eastern Railway Lucknow, do hereby solemnly
affirm and state as under:-

1. That I have been duly authorised by the opposite
parties to file the instant reply. I have gone through
the application and have understood the contents thereof
well; and as such I am conversant with the facts and
circumstances of the case deposed to herein after.

2. That the contents of para-1 and 2 of the applica-
tion need no comments.

3. That the contents of para-3 of the application
need no comments.

4. That contents of para-4 of the application
are being replied as under:-

(i) That the contents of para-4(i) of the application
need no comments.

(ii) That the contents of para-4(ii) of the application
need no comments.

(iii) That the contents of para-4(iii) of the applica-
tion need no comments.

*S M Islam
JSC*

4(iv) That the contents of para-4(iv) of the application need no comments, except to state that the applicant no.1 ~~join~~^{ed} duty after his accident and worked on train no. 57up and 58dn. on 8.3.87 Ex. Lucknow to Kanpur (Anwarganj).

4(v) That in reply to para-4(v) of the application it is stated that the applicant no.1 was ~~hur~~^{hur} on duty on 1.1.86 and remained under medical treatment upto 2.3.87 and was declared fit for duty on 3.3.87 by Divisional Medical Officer Aishbagh Lucknow.

4(vi) That in reply to para-4(vi) of the application it is stated that after being declared fit by Divisional Medical Officer Aishbagh, the applicant no.1 performed duty on 8.3.87 Ex. Lucknow Junction to Kanpur Anwarganj on train no. 57up and 58dn. After returning back to headquarter he showed his inability to perform duty as such he was sent for a special medical examination by station superintendent Lucknow junction. A copy of the letter dated 12.5.87 written by ~~the~~ Station Superintendent Lucknow Juction to Divisional Railway Manager(P) Lucknow is being annexed herewith as annexure no.R-1, in which it has been mentioned by Station Superintendent that the applicant no.1 was declared fit in medical category C-2.

4(vii) That in reply to para-4(vii) of the application it is stated that a railway servant who fails in vision test or otherwise becomes physically incapable of performing the duties of the post which he occupies but ^{not} ~~incapable~~ of performing other duties shall be granted leave in accordance with ordinary rules subject to the condition that where the railway servant has not got six months leave to his credit, his leave shall be made

Shukla

YK

AM

upto six months by the grant of extra ordinary leave without pay. It is further pointed out that the applicant no.1 was a running staff who was declared fit in medical category E-2. The applicant no.1 was not declared fit for medical category A-2 but was found fit in the medical category C-2 by the Medical Officer Aishbagh on 11.5.87. The said certificate dated 11.5.87 was submitted in the respondents office on 13.5.87 and thereafter the case was processed for suitable alternative job for the applicant no.1. The matter was referred to Standing Committee vide Note No. E/PC/P.L.Gaur/ Guard/87 dated 20.5.87. The true copy of the said letter dated 20/5/87 is being enclosed herewith as annexure no. R-2 to this reply.

In this reference, it is pointed out that the applicant no.1 vide his application dated 15.5.87 (annex. no.7 to the application) informed to Divisional Railway Manager(P) (respondent no.2) that he was incapable of performing duty for any post and as such he submitted his refusal for alternative job. In the said application dated 15.5.87, applicant requested for the appointment of his daughter Km. Aparna Gaur (applicant no.2) on compassionate grounds. The sequence of events could indicate that the applicant no. 1 was least interested for the alternative suitable job but he tried to obtain the appointment for his daughter on the basis of his personal grounds.

Under rule, in case of medically unfit staff are provided the job of equivalent grade and in case such staff refuses to accept such offer, the staff is discharged from service with full benefits. In the

Sudhakar Gaur instant case, the leave was granted to the applicant no.1

to find out the suitable job for him and when he refused the offer given to him for alternative suitable job then he was retired from service w.e.f. 31.7.87 on superannuation.

4(viii) That the contents of para-4(viii) of the application are wrong, hence denied. It is stated that the applicant no.1 never applied for voluntary retirement. The applicant's application contained in annexure no.7 to the application simply showed his inability to work and refusal to alternative job. Thereafter the applicant demanded a job for his daughter Ms. Aparna Gaur on compassionate grounds. The applicant was not forced to retire, rather his date of superannuation was 31.7.87 i.e. at the age of 58 years and as per rules every railway employee is required to retire from service at the age of 58 years. Hence the question does not arise after his retirement from the date of 15.5.87. As he never applied for voluntary retirement, But the applicant was paid salary for the period from 15.5.87 to 31.7.87 as such his claim for appointment of his daughter on compassionate grounds is fictitious.

4(ix) That the contents of para-4(ix) of the application are wrong, hence denied. It is stated that the compensation is paid to ~~incapacitated~~ staff on the basis of loss of his earning capacity. There was no loss of earning to applicant no.1 as he was being given alternative job. As such the applicant no.1 is not entitled for any compensation.

4(x) That in reply to para-4(x) of the application it is stated that no doubt there is provision for appointment sons/daughter on compassionate grounds where an employee is medically decategories for all medical

*Shweta
Gaur*

गौर

categories and given invalid pension. This provision does not apply in the case of applicant no.1. It is further pointed out that the daughter of applicant no.1 Km. Aparna, the applicant no.2 has filed a separate claim petition no. 399/90 Aparna Gaur vs. Union of India and others for appointment on compassionate grounds which is pending ^{before} this Hon'ble Tribunal.

4(xi) That the contents of para-4(xi) of the application need no comments, as those are not relevant for the instant case.

4(xii) That the contents of para-4(xii) of the application are partially wrong, hence denied. In reply thereto it is stated that no discrimination has been done with the applicants. The rest of the contents of para-4 under reply have already been replied above in this instant reply.

4(xiii) That the contents of para-4(xiii) of the application need no comments, except to state that there was no use for moving another application for appointment of compensation grounds as it is not possible as per rules.

4(xiv) That the contents of para-4(xiv) of the application need no comments, In view of the preceding paras of this instant reply.

That in reply to para-5 of the application it is stated that the grounds taken therein are false, frivolous and fabricated as such those are ~~not~~ sustainable in the eyes of law. The application of the applicants deserves to be dismissed with cost through out, In view of the facts and circumstance stated in the preceding paras of this counter reply.

6. That the contents of para-6 of the application need no comments.

7. That the contents of para-7 of the application need no comments, except to state that the applicant no.2 has filed a separate application before this Hon'ble Tribunal as stated above.

8. That in reply to para-8 of the application it is stated that in view of facts and circumstances, stated in the preceding paras of this reply, the applicants are not entitled for any relief as prayed and their application deserves to be dismissed with cost throughout.

9. That the contents of para-9 of the application need no comments.

10. That the contents of para-10 of the application need no comments.

11. That the contents of para-11 of the application need no comments.

12. That the contents of para-12 of the application need no comments.

Dated: 23.7.91

(*S. M. N. Islam*)

YGR

VERIFICATION

I, S. M. N. Islam the above named do hereby verify that the contents of paras 1 to 12 of this Counter Reply are true to my personal knowledge and those of paras 13 to 12 of this counter reply are true on the basis of the knowledge derived from the perusal of records relating to the instant case kept in the official custody of the answering respondents except legal averments which are believed

S. M. N. Islam

YGR

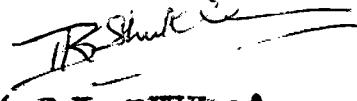
by me to be true on the basis of legal advice. No part of this counter reply is false and nothing material has been concealed.

Dated:- 23/7/91

(Shukla)

Yours, मेरी पक्षकारी
वक्तु

THROUGH


(B.K. SHUKLA)

Advocate

Counsel for the Respondents.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

OA No. 253/90(L) X38

Pyarey Lal Gaur V/s Union of India.

ANNEXURE No. R-1

N.E. RAILWAY.

No. E/Guard/LJN/87 Dated 12.5.87

From: Station Supdt. To: DRD/P/LJN.
Lucknow.

Sub: Shri P.L. Gaur Guard/LJN

The above named employee remained under HON w.e.f. 1.11.86 to 3.3.87. after being declared fit by DMO/ASH he has performed Ist duty on 8.3.87 ex-LJN-CPA by 57Up/58Dn. After returning back to HQ. he has shown his inability to perform duty as he was feeling anquish resulting he was sent to Spl. P.M.E.

The above named employee remained under Spl. PME under DMO/ASH from 13.3.87 to 11.5.87 and declared fit only in C/two category with glasses as per DMO/ASH's certificate No.PF/765/86-87 dt. 13.3.87/11.5.87.

Since above named employee is not fit in A/2 category he is being directed to report you for further orders along with original PME Certificate of DMO/ASH.

Sd/-

Station Supdt./LJN

*Smt. [unclear]
YAR [unclear] [unclear]*

Before the Central Administrative Tribunal
Circuit Bench Lucknow

OA No. 253/90(L)

Pyarey Lal Gaur V/s Union of India

Annexure/No. R-2

नोट

सं0 ई/पी0 सी0/पी0सल0गैड/गडी/87
दिनांक 20-5-87

श्री पी0 सल0 गैड, गडी लखनऊ जिल्हे सं0वि0आ0/रेशबाग के प्रमाण पत्र
सं0 पी0आ0/765/86-87 दिनांक 11-5-87 दूवारा र/2 की भेड़िकल कटेगरी में
बधीय तथा सी/2 में चरमे के साथ मेडिकल कटेगरी में योग्य घोषित किया गया है
इनका सेवा विवरण निन है ।

नाम । श्री पी0 सल0 गैड

पिता का नाम । श्री गुरप्रसाद गैड

जन्म तिथि । 5-7-29 दिनांक 31-7-87 को सेंनिंग हो

नियुक्ति तिथि । 8-12-50

पद व वैतनमस । गडी 'स' (1350-2200)

स्थान । लखनऊ ज०

वैतन । 2200/-

शैक्षिक योग्यता । स्व0सस0

पता । लुपत्तिसुर, छाक्कारा बिरैया कीट, जिला । आजमगढ़

कृपया इन्हें अल्टरनेटिव जब्त देने की व्यवस्था करें । इनकी छुट्टी के
बाते में अब कोई अवकाश देय नहीं है ।

रु0/-
कार्यालय/परिव

Sw/mer.
प्रभू

2nd Copy for L.R. General

IN THE CENTRAL GOVERNMENT TRIBUNAL, DELHI.

1410

O.L. No. 253 of 1990 (L)

Piyare Lal Gour Applicant.

v/a

Union of India & others Respondents.

Fixed For: 20-6-1992.

Applicant's Rejoinder to Counter Reply on behalf of Respondents.

1. That the contents of para 1 of counter reply (in short C.R.) need no comment except that letter of authorisation from respondent no.1 and 3 has not been filed. Further the C.R. has been filed beyond the period of limitation without prayer for condonation of delay in filing C.R.. Hence the C.R. may not be admitted on the record of the proceedings of the Tribunal.
2. That the contents of para 2 of C.R. need no comments.
3. That the contents of para 3 of C.R. need no comments.
4. That the contents of para 4 of C.R. are commented as under:-
 4. (i). That the contents of para 4 (i) of C.R. need no comments.
 4. (ii). That the contents of para 4 (ii) of C.R. need no comments.
 4. (iii). That the contents of para 4 (iii) of C.R. need no comments.
 4. (iv). That the contents of para 4 (iv) of C.R. need no comments.
 4. (v). That the reply in para 4 (v) of C.R. is not specific and the contents of Para 4 (v) of C.R. are re-iterated.

*Filed today
copy*

29/4/1992.

contd-2

P.L. Gaur

4.(vi). That the contents of para 4(vi) of C.R. are not admitted as stated and the contents of para 1(vi) of O.A. are re-iterated. It is further stated that the applicant was already unfit in medical category 1-2 for Guard and he was fit only in medical category C-2 even on 3-3-1987. The Divisional Medical Officer issued the fit certificate on 3-3-1987 in bad faith to deprive the applicant from accident claim compensation for partial disablement in vision of his eyes on account of Head injury in accident on duty on 1-11-86. The applicant felt practical difficulties for his personal safety of travelling passengers while working on 8-3-1987 Ex Lucknow Jn. - Kanpur Jn. ergang on train no. 57 up and 58 Dn. The Station Supt. Lucknow Junction realised the aforesaid safety aspects, therefore he sent the applicant for special medical examination on 13-3-1987. In result the applicant was medically declassified from medical category 1-2 to medical category C-2 of Guard on 11-5-1987 but the applicant was not absorbed in medical category C-2 nor there was any post available in C-2 for his absorption nor the applicant was paid salary or leave salary from 29-5-1987 to 31-7-1987. On this account the applicant was entitled for compulsory retirement on 11-5-1987 under the extent rules of incapacitation.

4.(vii). That the contents of para 4(vii) of C.R. are not admitted as stated and the contents of para 1.(vii) of O.A. are re-iterated. It is further submitted that the rules of medical declassification of employees have been mis-interpreted. The applicant was entitled for his retirement on 11-5-1987 when he was declared unfit in medical category 1-2 for Guard. As a matter of privilege

contd-3

P.L. Gaur

R.M.

the applicant was entitled for his absorption in medical category C-2 on equal emoluments for Guard but he was not absorbed in aforesaid medical category C-2 nor any post was available for his absorption in medical category C-2 also the applicant was not paid salary or leave salary during the period from 29-5-1987 to 31-7-1987 and no action was taken on his application dated 15-5-1987 contained in Annexure 1-7 to O.A. in bad faith on behalf of the respondents and as such the applicant is entitled for his retirement from 15-5-1987 and for appointment of his daughter on compassionate ground.

4. (viii). That the contents of para 4(viii) of C.R. are not admitted as stated and contents of para 4(viii) of O.A. are re-iterated. It is further submitted that the retirement of the applicant on 31-7-1987 was not in any way beneficial to the applicant but his retirement on 15-5-1987 was beneficial to him. Hence the applicant opted for his retirement on 15-5-1987 and his retirement on 31-7-1987 is unjust, illegal void and inoperative and he is deemed to have been retired on 15-5-1987 with arrears ~~amount~~ of monthly pension from 15-5-1987 to 31-7-1987.

4. (ix). That the contents of para 4(ix) of C.R. are denied and re-iterated of para 4(ix) of O.A. It is further made clear that on account of accident on 1-11-1986 the applicant suffered permanent partial disablement in his eyesight and he was deprived of his earnings from 15-5-1987 to 31-7-1987 at the rate of Rs. 4500/- per month approximately total amount to Rs. 21000/- and permanent loss of pleasure of eye sight in post retirement life and as such the applicant was entitled for claim of accident compensation.

KUB

1. (x). That the contents of para 1(x) of C.R. are not admitted as stated and the contents of para 1(x) of C.L. are re-iterated. It is further submitted that Mr. Aparna Gur the daughter of applicant no. 1 has filed a separate C.L. No. 399 of 1970 (L) on the order of this Honorable Tribunal and she is entitled for her appointment on compensation ground as per extant rules on record of proceedings of C.L. No. 399 of 1970 (L) contained in INSTRUCTIONS C-2 of C.L. and 1-2 of C.L.

1. (xi). That the contents of para 1(xi) of C.R. need no comments.

1. (xii). That the contents of para 1(xii) of C.R. are denied and contents of para 1(xii) of C.L. are re-iterated.

1. (xiii). That the contents of para 1(xiii) of C.R. are not admitted as stated and contents of para 1(xiii) of C.L. are re-iterated.

1. (xiv). That the contents of para 1(xiv) of C.R. are denied and contents of para 1(xiv) of C.L. are re-iterated.

5. That the contents of para 5 of C.R. are denied and the contents of para 5 of C.L. are re-iterated.

6. That the contents of para 6 of C.R. need no comments.

7. That the contents of para 7 of C.R. need no comments except that the applicant no. 3 may file a separate application No. 7009 of 1970 (L) under the order of this Honorable Tribunal.

8. That the contents of para 8 of C.R. are denied and the contents of para 8 of C.L. are re-iterated.

P.L. Gurur

Comments

AM

9. That the contents of para 9 of G. . . need no comments.

10. That the contents of para 10 of G. . . need no comments.

11. That the contents of para 11 of G. . . need no comments.

12. That the contents of para 12 of G. . . need no comments.

13. *That the applicant being out of Lucknow, in filing of Rejoinder in time is delayed which may kindly be Considered.*
P. L. Gaur
Applicant.

Dated: 16. 4. 1952

Zec C L Gaur
A. D. M. R. A.
concerned & Appellant

V E R I F I C A T I O N

I, Pivaro Lal Gaur aged about 60 years
s/o Late Gur Prasad Gaur r/o House No. 70 Devindra Pali
Rikhabad Road do hereby verify that the contents
of para 1 to 13 of this rejoinder are true to
my personal knowledge and believed them to be true.
No part of this rejoinder is false and nothing
material fact has been concealed.

Lucknow:

P. L. Gaur
Applicant.

Dated: 16 - 4. 1952